

101 CIVIL INVESTIGATIONS

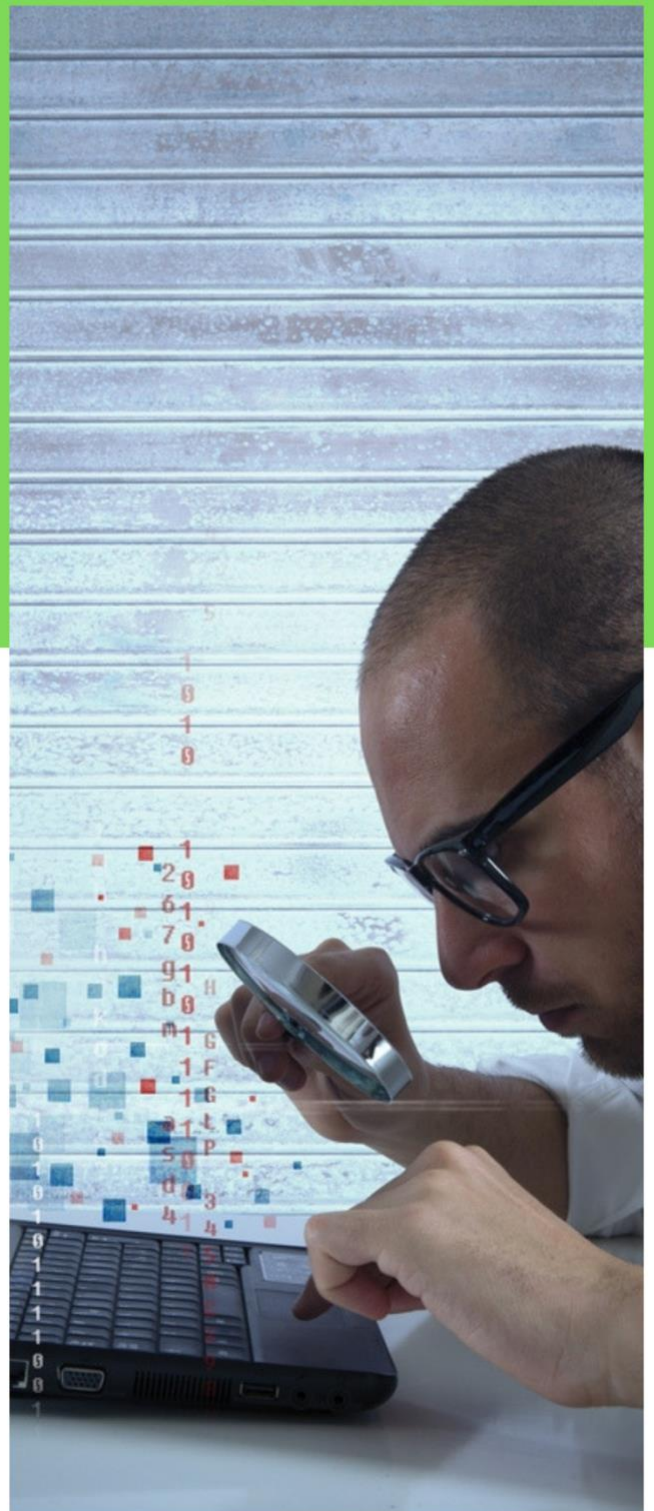
INVESTIGATIONS YOU WILL CONDUCT AS A PRIVATE INVESTIGATOR OR INQUIRY AGENT

2019 Edition

Also Includes
Government Investigation Overview



**By Patrick Flynn
& Michael Evans**



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101 Civil Investigations

The investigations you will conduct will be varied and range from simple to complex. Here are over 101 investigations of a similar nature to what you will or may encounter as a civil investigator, including 69 Case Studies and 34 types of investigations.

Introduction & Background information

The hardest thing to know before you become an investigator involved in Civil Investigations is: "What will I investigate?" No one can predict what kind of accident or event may occur today, tomorrow, or next week. No one can predict what time it will happen, who will be involved or how much damage or to what extent the injury will be.

This article is provided as a comprehensive guide to the types of investigations you will encounter in the Civil Investigation industry.

Civil investigators handle investigations under civil law and the majority of licensed investigators perform work on behalf of insurance companies. Their tasks include establishing and confirming the circumstances surrounding incidents, accidents and events so that the insurance companies can make informed decisions when they manage and finalise claims. They also gather evidence for use in civil court cases involving insurance companies.

Civil investigators can also work in both private and government organisations investigating matters involving workplace health and safety, statutory compliance, fraud and loss prevention.

This occupation involves both office and outdoor work and there is a significant amount of office work involved in this kind of work. Civil investigators have to report daily on their activities, expenses and the progress made in respect to their investigations. They are required to present progress reports regularly to their clients, after which they sometimes receive further instructions.

Legal firms provide employment to civil investigators who use them to locate people who neglect to pay their debts. In certain circumstances, civil investigators often have to testify in court.

Civil investigators must be able to effectively deal with a variety of different conditions in their outdoor work and they sometimes need to display extreme tact in situations where they are received in an unfriendly or even hostile manner. It sometimes happens that they find themselves in very delicate circumstances, such as those involving a death or serious injury, and it is imperative that they act with sensitivity, empathy and tact. In all circumstances their behavior must be impeccable and they must always act in the best interest of their client.

Civil investigations can be broadly categorised into two main groups, being either factual investigations or surveillance. Civil investigators generally specialise in one or the other, however, a small number of experienced investigators can do both.

This book covers General Insurance Investigation, Factual Investigation, Workers Compensation Investigation, Dependency Investigation, Public Liability Investigation, General Insurance Fraud Investigation and Surveillance Investigation.

Part 1 - General Insurance Investigations

Overview

General insurance policies are those which provide cover for motor vehicles against events of theft, fire and the damage, and policies held by homeowners to provide cover for their dwelling and contents against events of theft, fire, the damage and certain natural events such as lightning strikes, water damage and other natural events specified in each individual policy document. These policies provide payments by insurance companies to insured persons for loss experienced from a particular event. General insurance is typically described as insurance to cover property.

It is currently very common for insurance policies to be taken out by an Insured over the phone to a representative of the insurance company in a “call centre”, and the Insured is not required to physically complete or sign any application forms, or paperwork to take out the policy.

When a person takes out an insurance policy with an insurer, it is a legally binding contract undertaken by both parties in respect to the item or items covered or named under the policy.

Under the provisions of the Insurance Contracts Act 1984, it is a requirement that when this contract is entered into, each party to it acts with the utmost good faith and fully discloses all information that is relevant to the contract. This means therefore, that an Insured has a duty to disclose to the insurer every matter that is relevant to the decision of the insurer whether to accept the risk and, if so, on what terms.

So, when an Insured is asked how many claims they have made, how many accidents they have had and if they had been convicted of any criminal offences within the last five years, it is imperative that the Insured provides accurate and honest answers so that the insurer can decide the risk and whether they accept the policy or not.

General insurance investigations involve conducting inquiries to confirm the circumstances surrounding an event from which a claim is made, together with confirming certain information (information about previous claims, accidents and criminal history) that was provided by the Insured person at the time they took out a policy.

As an investigator, what do you do? Conduct a digitally recorded interview with the Insured to obtain their responses to specific questions put to them and this recording is usually transcribed for use by the claims management staff. Obtain details of the vehicle, dwelling or property subject to the claim, where, when and how the event occurred, what time it was discovered, together with details of the Insured’s whereabouts prior to, at the time of, and after the event.

It will also be necessary to obtain other information used by the claims management staff such as telephone records and criminal history checks from the Insured. At the completion of your enquiries you prepare a report summarising your findings.

What equipment do you need? A laptop computer, digital camera, digital audio recorder, note book, measuring tape and wheel, access to the internet, a mobile telephone and a vehicle.

There are a number of other common types of general insurance investigations that are regularly undertaken by investigators, and the following examples are included to provide you with an awareness of the range of events you may be required to investigate.

Contemporaneous Notes

Case Study Before we proceed, we must emphasise the importance of keeping accurate and detailed Contemporaneous Notes during the investigation process.

“The shortest note outlasts the longest memory” Peter Spence - Academy Instructor

Contemporaneous notes are notes made as soon as possible after the event whilst the details are fresh in your memory. You will make notes in respect to conversations, measurements, times, inspections, what you saw, heard, felt, tasted or smelt.

Contemporaneous Notes made at the time are very valuable as evidence in court. For notes to be of good evidentiary value they must be made as near as possible to the time, event or conversation. Little weight, if any, is given to notes formulated remotely from the time.

What may actually happen in a Court of Law in relation to your notes? If during your evidence in chief or during cross examination of your evidence in chief, you ask to refer to your notes because your memory is exhausted or you wish to be completely accurate with a specific detail, the Plaintiff’s legal representative may challenge those notes.

Your notes may be challenged on issues such as:

- The precise time of conversation, event, etc.
- The precise time the notes were made
- The time that has elapsed since the notes were recorded
- The amount and detail of information recorded
- Your past experience at recording notes
- The storage of the notes
- Are the notes the original ones made at the time?

You must use your common sense – if he/she told you to leave and that he/she was not going to cooperate, you could make a note of that some time later. If he/she provided you with pages and pages of information and detailed conversation, that should be recorded immediately to preserve its accuracy. Be mindful that it could be as long as three years before the matter involving your notes goes to court or a hearing.

Contemporaneous Notes made 3 days later, detailing 4 pages of a very detailed conversation between yourself and a witness will not be accepted in Court – the Oxford Dictionary definition of Contemporaneous is “belonging to or existing at the same time”. Clearly, the accuracy of the recorded written conversation and your credibility will be strongly challenged.

Original notes must be produced in Court. It is very important to take notes at scenes of accidents, during phone conversations, prior to and after interviews and during surveillance activities.

Notes may be recorded in a diary, a journal, notebook, or on anything at hand. You, as the author, must be able to read and interpret them.

There is a strict Court protocol when asking permission to refer to notes

“You’re Honour. I have some independent recollection of the conversation I had with “X” that day. However, I have not attempted to commit that conversation to memory. For the purposes of accuracy and to refresh my memory, I seek the Court’s permission to refer to notes that I made on that day”.

You will then be asked by the prosecutor to establish the veracity and contemporaneous nature of the notes before they will be accepted. (How they were made, when they were made, who was present when they were made etc.)

Moral Hazard – This applies to General Insurance.

A moral hazard is anything which might raise doubts about the honesty or reliability of the Insured, or anyone else occupying or regularly attending the Insured property, and any fact which would indicate a possible motive for an Insured wanting to commit insurance fraud. The later might include such matters as the financial circumstances of the Insured. Many companies ask questions about past debts, which were legally enforced, or about prior bankruptcies. A history, particularly recent of criminal convictions is also relevant to an insurer when they consider the risk of accepting a policy. Many companies also require questions to be asked about criminal charges which may not have led to convictions – again these issues are relevant in respect to risk. While such a question must be answered honestly, it is questionable whether information about charges which did not result in a conviction would have to be volunteered in the absence of a specific question.

The question of moral hazard raises difficult issues and the need for subjective decisions abounds. For example, how serious and certain must a parent's suspicion be that his or her child has engaged in petty thieving, before that needs to be disclosed on a contract for house insurance? However, a consumer's insurance history, including rejected proposals, cancellations of policies, imposition of special conditions, and previous claims are relevant issues.

The consumer's insurance history goes to both material risk and moral hazard, and proposals generally include questions in respect to both these issues. Most often these questions focus on insurance history with policies of the same general type as that being sought, and do not seek information about a consumer's history with other types of insurance.

We never say to a Claimant, "Now I will ask you the Moral Hazard Questions" – We just ask the relevant questions specified and required by the insurer in respect to such issues. The questions should be detailed and specific and the responses should be clear and unambiguous.

Material Risk - This applies to General Insurance.

Knowing what constitutes a material risk makes you more employable as an investigator. Material risks in civil investigations mostly relate to General Insurance matters – that is, home and contents and motor vehicle insurance. There is a large amount of work available in this line of business and it is common for such claims to be exaggerated (fraud) by claiming additional items not owned by the Insured.

A material risk is anything which might directly increase the insurance risk of the property sought to be insured. As an investigator, your task is simply to obtain answers to questions relating to issues that constitute a material risk. Such questions usually relate to matters directly relating to the full and honest disclosure of relevant information (with the utmost good faith) in response to direct, specific questions asked by the insurance company representative at the time the policy is taken out. If an Insured asks, "Why do you ask that?" Your reply should simply be; "It is a standard question that every one is asked?"

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Note:- Moral Hazard and Material Risk apply to General Insurance under the Insurance Contracts Act.

Case Study You have been instructed to investigate a motor vehicle accident involving a driver aged under 25 which happened at 11.30pm at night at a roundabout, which is regularly frequented by young drivers and is well known to be used for “drifiting” competitions. The vehicle was valued at \$12,500.00 and was written off as a total loss in the accident. The vehicle was owned by the driver’s mother and was insured in her name.

You are required to conduct a recorded interview with insured owner and the driver and take statements from the insured’s neighbours and any witnesses to the accident. Particular attention should be given to asking detailed questions in respect to how often both the driver and his mother drive the vehicle and whether the driver is named on the policy as being a nominated driver. It is not uncommon for policies to be taken out by the parents of young drivers so they can enjoy lower premiums - the age and experience of drivers is a significant issue in respect to determining risk.

It will also be necessary to locate and interview the attending tow truck driver and obtain evidence of his observations at the scene and what conversations he had with the Insured driver. You will also inspect, measure and photograph the accident scene, prepare a time and event line and write a factual report.

Some of the material risks relevant to this matter are such things as:

- Where the vehicle is garaged?
- Who is the regular driver of a vehicle?
- The age, driving experience and history of the intended drivers.
- The service history, state of repair and roadworthiness of the vehicle.
- Whether any modifications were made to the vehicle.

Case Study Peta Huxtable contacts her Insurance Company by telephone and makes a claim under her Contents Insurance Policy for the loss of her engagement ring valued at \$3,700.00. From the information provided by Peta, the insurance company’s Fraud Engine identifies this claim as a matter to investigate. It is early December, and last year in the first week of December, Peta made a claim for, and was paid out for, a lost engagement ring valued at \$3,700.00.

You are instructed to conduct a recorded interview with the Insured, Peta Huxtable, and interview and obtain statements from any witnesses. As there appears to be a significant concern in respect to the veracity of this claim, is necessary to confirm the existence of the ring and obtain evidence in respect to the purchase of the ring. It may be necessary to also conduct inquiries with staff at the shop where the ring was purchased. At the completion of your enquiries, compile a report detailing your findings. When conducting investigations of this nature, you must be aware of the issue of moral hazard.

General Insurance Investigations - Stolen Motor Vehicles

What are they? A vehicle owner makes a claim in respect to the Insured vehicle, and reports that on a certain day, date and time, it was stolen from a certain place. The vehicle may never be recovered or it may be recovered relatively undamaged or it may be stripped of parts, burnt out or both stripped and burnt out.

What do you do? Conduct a recorded interview with the Insured. Obtain details of the vehicle, where it was stolen from, what time it was discovered stolen, collect all sets of keys and obtain details of the Insured's knowledge of the vehicle's discovery. Obtain telephone records from the Insured together with details of the Insured's whereabouts prior to, at the time of and after the vehicle was stolen.

Examples of general insurance investigations involving stolen motor vehicles may include:

Stolen: motor vehicles, boats, caravans, trailers, trucks, motor cycles, tractors, bobcats and earth moving equipment.

Case Study The Insured attended a cinema at the local shopping centre and watched a movie in the company of her husband. After the movie, the Insured discovered that her vehicle was not in the space in the car park where she had parked prior to going to the movie.

The Insured reported the theft to police and the police advised that the vehicle had been found by the Country Fire Authority on fire in bush land approximately 5 kilometres away.

You are required to undertake the following investigations: Conduct a recorded interview with the Insured, obtain a criminal history check, an authority to obtain details of her finance and loan repayments, all telephone records and the vehicle's keys. Interview and take statements from any one identified as a witness. You may need to interview or speak with the attending police, fire service and the security officers at the shopping centre. Finally, it is necessary to establish the service history, condition and whether any modifications were made to the vehicle.

Case Study Scene inspections are an important aspect of Stolen Motor Vehicle Investigations. Where was the vehicle stolen from at the time and how was access gained to the vehicle? An inspection of the scene should be conducted looking for the following: Smashed glass, Closed Circuit TV cameras (CCTV), secure access and ingress to and egress from the car park. Where was the vehicle discovered, was it close to the where it was stolen from? What was missing from the vehicle? Was it carefully stripped? Was there damage to the ignition or no damage? When was it reported missing? These issues may reveal information regarding fraud, and in particular, when cross checked against other information, such as bank account activity and mobile phone cell locations and call patterns, and these may provide useful by identifying further avenues of inquiry to pursue.

General Insurance Investigations - Home Burglary / Break Enter Steal

What are they? A property owner makes a claim in respect to the risk address, and reports that on a certain day, date and time, the premises was broken into and certain items were stolen. The offenders who commit these burglaries are rarely identified and charged by the police.

Similar to general insurance investigations involving stolen motor vehicles, investigations for home burglaries are conducted to confirm the circumstances surrounding an event from which a claim is made, together with confirming certain information (information about previous claims and criminal history) that was provided by the Insured person at the time they took out a policy.

What do you do? Conduct a recorded interview with the Insured regarding the circumstances of the burglary and theft, obtain details of the items stolen, the value of the items stolen together

with proof of the existence and ownership of the items reported stolen. You are also required to interview any identified witnesses, determine the method of entry, inspect and photograph the scene, including entry and exit points, and write a report.

Examples of general insurance investigations involving burglaries and thefts may include:

Home burglaries, shop/factory burglaries, damage to buildings and contents by persons breaking in, smash and grabs and home invasions.

Case Study An Insured takes out a new contents policy at 4.00pm on a certain day. At 2.00pm the next day the Insured reports a burglary and makes a claim for \$70,000.00 for stolen property.

You receive instructions from the claims manager of the Insurer to conduct a recorded interview with the Insured, conduct inquiries with the neighbours, obtain the police report and interview the attending police officers. At the scene you are required to identify the entry point and the method of entry and the exit point and obtain details of the property stolen. In doing so, it is necessary to obtain detailed proof of the purchase, ownership and existence of the property claimed as stolen at the risk address.

The main objective with this particular investigation is to obtain detailed evidence to confirm that the burglary actually occurred at the time reported by the insured. In this case, significant concern is raised due to the high value of property stolen and that the report was made very soon after the policy was taken out. It is not uncommon for large amounts of uninsured property to be stolen, and upon realising that the theft had occurred, the owners quickly take out an insurance policy and then make a claim.

As with any other general insurance investigation, be thorough, methodical, professional and follow the standard questions specified in your interview template. Do not accept vague or ambiguous answers, obtain specific details and use a time and event line to examine the circumstances of the Insured's movements prior to, at the time of, and after the time of the burglary.

The primary aim of the investigation is to confirm that the burglary occurred as the Insured reported and to ensure the correct amount is paid to the Insured.

Case Study The Insured claims that as a result of a recent move of residence, he has lost property to the value of \$26,000.00. He reported that this property was stolen from his locked residence, after he left the removalist to finish packing the furniture and effects. The removalist did not finish the packing, and did leave some furniture and boxes in the residence, intending to return the next day and pack those materials and take them to storage. The removalist cannot remember how much property was there.

You will be required to interview the insured, interview neighbours and the removalist. Ascertain any sign of forced entry to where the goods were alleged to have been kept. Obtain detailed descriptions and photographs, if available, of the lost goods and obtain receipts and any other proof of purchase from the Insured. You may be required to obtain any police reports of theft at the day date and time or around the time of the removal. You will also need to establish and track the movement of the Insured's belongings from the former residence, to storage and then to the new residence. At the completion of your investigation you will be required to write a report to present your findings.

General Insurance Investigations - Single Motor Vehicle Accident

What are they? A vehicle owner makes a claim in respect to the Insured vehicle, and reports that on a certain day, date and time, it was involved in a motor vehicle accident at a certain place. The vehicle may have run off the road or may have collided with another vehicle or object.

What do you do? Conduct a recorded interview with the Insured to obtain the full circumstances surrounding the accident. Interview any nominated witnesses who can confirm the version of events provided by the Insured. Obtain details of the vehicle, together with information regarding its condition and service history. Obtain telephone records from the Insured together with details of the Insured's whereabouts prior to, at the time of and after the time of the accident.

Case Study An Insured reported that at 2.00 a.m. on Saturday morning while returning from a friend's house, he drove over gravel on the road which caused him to lose control of the vehicle and the vehicle subsequently left the roadway and collided with an electricity pole. Significant damage was caused to the Insured vehicle, however, because he was alone in the vehicle and he was not injured, he did not report the matter to the police.

You receive instructions from the claims manager of the Insurer to conduct a recorded interview with the Insured, conduct inquiries with the neighbours in the vicinity of the accident scene and locate and interview the tow truck driver who collected the vehicle from the scene. You are also required to conduct an inspection of the accident scene to determine the condition of the roadway and interview witnesses who can confirm the Insured's activities in the 12 hours leading up to the accident.

The claims manager has raised a concern that because the Insured owner is 23 years of age and the accident occurred at 2 a.m. on Saturday morning, the consumption of alcohol may have been a contributing factor in this accident.

Case Study The versions of events in a single motor vehicle accident given by those present will tell the investigator a lot about what actually happened. Are all stories exactly the same from the four youths who were in the Insured vehicle at the time? Have each witness tell you about the 24 hours prior to the accident and the 24 hours after the accident. If the four youths have collaborated prior to interview, this part of the story will not be practiced. Look for inconsistencies, alcohol consumption, time of meetings, telephone calls and request a copy of the telephone records. Draw a time and event line. Be very detailed in respect to what happened before, during and after the accident. Liars practice their lies. They believe a complicated story has credibility and it cannot be checked. When you recognize or are suspicious of the first lie, increase your questioning to confirm detail, however be careful and don't accuse anyone of lying.

Case Study Sometimes an Insured will genuinely not remember something you need to know. They may have consumed too much alcohol, and for the purpose of accuracy, you must know what they consumed. Ask the Insured, how much money did you have to spend that night? Did you take it from the ATM? What do you usually drink? How much do those drinks cost? Are they cans, stubbies, bottles or glasses and what size are they? Did you spend all your money? How much did you have left? How do you know that?

Case Study Female witnesses are an excellent source of information regarding intoxicated males. In general conversation during interviews they will reveal information based on their

knowledge of the male. It goes like this: Investigator: "Do you believe he was intoxicated?" Witness; "No." Investigator: "Why not?" Witness; "Well when he is drunk he tells me he loves me and comes onto me, he is not my boy friend we are just mates, I do know the difference between him being merry and drunk". "I have seen him drunk about six times and every time it's the same lovey dovey stuff that he comes out with, then he passes out a short time later." This type of information is very valuable.

General Insurance Investigations – Fire at a Residential Dwelling

What are they? A property owner makes a claim in respect to a risk address, and reports that on a certain day, date and time, the premises was either damaged or destroyed by fire. On a large number of occasions, the owner or occupants are not present when the fire occurs, and the value of the claim is usually high.

Similar to home burglaries, the offenders who commit these offences are rarely identified and charged by the police.

This is a general insurance investigation and it is necessary to conduct inquiries to confirm the circumstances surrounding the event, together with confirming certain information (information about previous claims and criminal history) that was provided by the Insured person at the time they took out the policy.

What do you do? Conduct a recorded interview with the Insured to obtain the full circumstances surrounding the incident. Interview and take statements from any nominated witnesses who can confirm the version of events provided by the Insured. Obtain full details of the property claimed to have been destroyed, together with information regarding its condition and age. Obtain telephone records from the Insured together with details of the Insured's whereabouts prior to, at the time of and after the time of the accident.

You are also required to interview and take statements from any identified witnesses, determine the method of entry, inspect and photograph the scene, including entry and exit points, and write a report.

It is also necessary to inspect the fire scene and conduct interviews with fire investigators from the attending fire service to identify the cause, origin and anything that may indicate a deliberately lit fire.

Case Study An Insured reported that a fire occurred at 10.00 p.m. on Monday night at his residence while he was visiting a friend's house. The fire was reported to be intense and extensive and it completely destroyed the weatherboard residence very quickly.

Preliminary inquiries conducted by the claims officer with both the police and the fire service revealed that there were multiple points of origin for the fire, an accelerant was used to start the fire and several flammable liquid containers were found inside the house. Both confirm that the fire was deliberately lit.

You receive instructions from the claims manager of the Insurer to conduct a recorded interview with the Insured, conduct inquiries with the neighbours in the vicinity of the risk address and locate and interview the fire service officers who attended the scene. You are also required to ascertain the Insured's financial position, obtain his telephone records and interview witnesses who can confirm the Insured's activities in the 12 hours leading up to the fire.

The claims manager has raised a concern because the Insured recently removed his wife from being named on the policy because their divorce had been finalised and he had changed the policy from being paid annually to being “paid by the month”. The claims officer has a concern that the Insured may be experiencing financial difficulties, and this could be the motive for the fire.

Case Study When conducting fire investigations, look for what was missing on the night of the incident. If it was an alleged arson, did the dog bark? If it didn't, the dog probably knew the person who started the fire? Were all the pets accounted for or were they somewhere else at the time? When the fire brigade arrived were the evacuated occupants in pyjamas and underwear or were they well dressed clutching photo albums, lap top computers and other items of value? Were they trying to extinguish the fire or just standing there watching it burn? Interview the neighbours; was any furniture or belongings removed during the last week/s leading up to the fire? Get statements from witnesses, neighbours and the fire brigade members who attended.

Case Study The Insured dwelling house was purchased by the Insured 14 months ago. The dwelling was the worst house in a good street and because of the condition of the premises it sold for the bargain price of \$300,000.00 for which it was subsequently insured.

Since the time of purchase, the residence had been occupied by the owner for three months while they conducted some urgent renovations on the building, after which it was then rented for two short periods. The insured advised that the premises were unoccupied at the time of the fire, however, the exact periods of occupancy are vague. You have been instructed to investigate the circumstances surrounding the fire and interview all neighbours and witnesses.

You have not been asked to establish the cause or origin of the fire because this matter requires the services of a trained technical expert, and the insurer has engaged such a consultant to liaise with the fire investigator from the local fire service.

Of particular importance with respect to the policy, is whether the premises had been recently occupied prior to the fire. It is usually a condition of the policy that the premises must not be vacant for any period greater than three months.

Accordingly, you are required to conduct a recorded interview with the insured owner and interview and obtain details statements from all neighbours to address this particular issue.

Part 2 - Fraud Investigation – General Insurance

Overview

Common examples of General Insurance Fraud are:

Stolen Motor Vehicle – Insured who are experiencing financial difficulty, are behind in their payments on their vehicle, or who are faced with a massive repair bill, such as the replacement of a “blown” engine, may stage and arrange the stealing and burning of their own car.

Home Burglary / Break Enter & Steal – A person’s home is burgled, but the claim in respect to what was stolen was exaggerated or included possessions that were never owned or present at the property.

Fire – A residence burns down, there were no occupants at the time, neighbours noticed furniture being removed 3 days prior to the fire occurring, and the pets were in boarding kennels at the time.

Motor Vehicle Accident – A person with no motor vehicle insurance has an accident, and then takes out a policy immediately after the accident, later claiming the accident happened after policy inception.

The step-by-step method to identify Fraud is:

1. Insurance Company’s Fraud Engine
2. Claims Management review
3. Engage a Loss Assessor
4. Claims Management review
5. Engage a Licensed Private Investigator

At the Australian Security Academy, we regularly attend Investigation Seminars and we employ many of Australia’s leading General Insurance Investigators. What these instructors say in regard to General Insurance Fraud is: “I have never interviewed an Insured who has not had a plausible account of the events explaining their losses”.

What these investigators are saying is that each time they interview someone in relation to an Insurance Claim where Fraud is suspected, the Insured has prepared a plausible story regarding the circumstances of the loss. Thus, the Investigator needs to have knowledge of:

1. The Insurance Contracts Act
2. The Financial Ombudsman Service (Formerly the Insurance Enquiries and Complaints Commission)
3. Fraud identification and detection techniques when gathering evidence.

The Investigator cannot accuse people of lying, cannot threaten or offer inducements to any Insured or witness and must collect and report relevant and admissible facts.

The Fraud Investigation Process.

This is where it gets interesting, two sides with differing tactics.

In terms of gathering evidence and investigating in respect to Fraud, the investigation commences with the event, fire, theft or accident. The direct cause of the event and resulting financial loss needs to be carefully considered. To establish Fraud, three key factors need to be taken into consideration:

1. The method
2. The means
3. The motive

The investigator must establish how the fraud was perpetuated and why the Fraudster wished to do it.

The Fraudster, although seemingly in an advantageous situation, (client of an insurance company) has four obstacles to overcome:

1. The fraudster will expect to be asked questions.
2. The Fraudster must have a prepared "story".
3. The Fraudster must develop the story line (to include or exclude detail)
4. The Fraudster must practice, practice and practice the story.

The investigator of Fraud uses five methods:

1. Time and event line
2. Record of Interview
3. Conversation Management
4. Collection of Documents
5. Checking all information provided

The Investigator must obtain:

- Evidence and hard facts - who, what, when, where, why and how?
- Why did this happen - what is the root cause
- Investigate what was happening pre and post loss
- Relationship of the loss with the policyholder (Insured or Claimant)
- Documentation, statements and photographs
- Physical evidence and forensic report
- A clear schedule of damage and supporting documentation

The Fraudster must:

- Stick to the story
- Avoid detail
- Be believable

The Investigator will expose the fraud by:

- Getting the Fraudster to account for the 48 hours before and after the loss. (The Fraudsters will almost never have this prepared, they do not expect it)

- Creating a time and event line
- Checking all relevant records (phone, mobile phone, criminal history, receipts)
- Corroborating or not corroborating witness accounts with Claimants version
- Seeking evidence from other parties (door knock of area, locate ex-spouse, tow truck driver, police who attended and made report, fire brigade, forensic examiners)

Success in General Insurance Fraud investigation requires, charm, diplomacy and legwork. Further, it requires knowledge of the relevant Acts and Regulations, plus an ability to ask hard questions and check every detail.

Investigation is 1% inspiration and 99% perspiration; there are no Laura Crofts or Sherlock Holmes, just dedicated individuals accurately collecting all the available information in relation to the matter under investigation.

Part 2 - Compulsory Third Party Investigations

Overview - Motor Vehicle Accidents (Personal Injury)

What are they? A person is involved in a motor vehicle accident and they make a claim for the personal injuries they sustained in the accident. Compulsory Third Party (CTP) investigations rely on the principle that the Claimant lodges the claim and takes legal action against another party who they allege is negligent. An insured person cannot take legal action against themselves and the accident must involve a motor vehicle.

What do you do? Interview the Insured owner/driver to obtain the full circumstances surrounding the accident. Interview any nominated witnesses to establish the circumstances of the accident. Obtain details of the vehicle, together with information regarding its condition and service history because it is important to prove that the vehicle involved was in a roadworthy condition and the accident was not caused because of any mechanical fault or deficiency.

It is also necessary to inspect, measure and photograph the accident scene and prepare a diagram drawn to scale.

As negligence has to be proved for a case to succeed, it is necessary to establish liability or negligence and any contributory negligence in respect to each party involved.

What equipment do you need? A laptop computer, digital camera, digital recorder, note book, measuring tape and wheel, a vehicle, access to the Internet and a mobile telephone.

Examples of Compulsory Third Party (CTP) investigations may include:

A motor vehicle colliding with another motor vehicle, motorcycle or bicycle, a motor vehicle colliding with a pedestrian and a single motor vehicle accident where the Claimant is not the driver and is another occupant in the vehicle.

Case Study Two motor vehicles are involved in a collision at a busy cross intersection. The intersection is controlled by traffic control signals, however, both drivers claim to have entered the intersection on a green light. The Insured is driving one vehicle and the Claimant is driving the other vehicle.

You receive instructions from the claims manager of the CTP Insurer to obtain a statement from the Insured, conduct inquiries with the neighbours in the vicinity of the accident scene and locate and interview any witnesses. You are also instructed to inspect measure and photograph the accident scene and prepare a scale diagram of the intersection.

Because of the conflicting versions provided by both drivers, the claims manager has requested that you conduct inquiries with the local road authority responsible for the intersection to determine if there were any faults reported with the traffic control signals on the day of the accident. In doing so, you are also instructed to obtain the traffic light phasing report to show the sequence of each signal applicable to each driver.

Case Study Elderly pedestrian Hettie Loveday was crossing the road in her small rural town. The oncoming Insured driver saw Hettie look directly at him as he approached from her left. She then walked in front of him and was struck by the Insured vehicle. After the subsequent arrival of police, the Insured driver was breath tested and returned a negative reading. The attending police officer compiled a report which recorded that the victim was conveyed to hospital, and she is known to be blind in the left eye.

The CTP Claims Manager requires you to interview the police officer, interview attending ambulance officers and locate and interview any witnesses. It will also be necessary to inspect, measure and photograph the accident scene, take statements and write a report.

In collisions involving pedestrians and bicycles, etc., it is important to obtain specific details in respect to distances, time and visibility, so that the issue of whether the driver could have stopped or have taken appropriate evasive action is adequately addressed.

Motor Vehicle Accidents (Personal Injury) – Alcohol Involved

Where an accident was caused by a negligent driver who was incapable of maintaining proper and effective control over a vehicle because of the consumption of alcohol, the CTP insurer may seek to recover the damages paid from that driver. The fact that the driver was over the prescribed alcohol limit does not preclude a Claimant from being adequately compensated for their injuries, so in circumstances such as these, the Insurer will often settle the claim with the Claimant and then seek to recover the damages paid to the Claimant from the negligent driver.

What do you do? Interview the Insured owner/driver and any nominated witnesses to obtain both the circumstances surrounding the accident and details of the amount of alcohol consumed by the Insured driver. It will be necessary to interview all nominated witnesses and conduct enquiries to establish the amount, type and strength of alcohol consumed.

Because the civil burden of proof is based “on the balance of probabilities”, it is possible to prove that the driver was over the prescribed limit of alcohol (on the balance of probabilities) by the testimony of witnesses. It is not necessary for the Insured driver to have been charged and convicted of that particular offence for a civil action to succeed. Therefore, it is crucial that all available witnesses are located and interviewed, and statements obtained, in respect to the amount of alcohol consumed.

The evidence of witnesses can be evaluated by a medical practitioner who will provide expert evidence in regard to what the blood alcohol concentration of the driver was at the time of the accident.

Likewise, it is important to establish, possibly from the same witnesses, how much alcohol the Claimant had consumed and whether the Claimant had knowledge of the amount of alcohol

the driver had consumed. This is also very important because the amount of the claim paid (quantum) can be reduced significantly if it can be proved that the Claimant knew that the driver was over the prescribed limit before he/she voluntarily accepted the risk of getting in the vehicle prior to the accident.

Case Study A witness to the motor vehicle accident who was present at the time, is now serving a jail sentence for his involvement in stealing the vehicle involved in that matter. It is a three month sentence in a medium security correctional centre (jail farm) facility.

You are instructed to attend the correctional centre and obtain a statement from the witness regarding his recollection of the circumstances and if alcohol was involved.

This is not uncommon. Interviews conducted with prisoners can be required by clients for a range of investigations. You need to contact the correctional facility and explain your request. A time will be made for the appointment. Security will be notified of your appointment and make arrangements for a room to be available for the interview to be conducted.

The witness will arrive for the interview and you simply undertake your interview as you would any other. Guards will not be present. As the witness is serving his sentence, nothing he says to you will change his personal circumstances. Ask the questions in relation to alcohol consumption, what sort, how much, how often by whom, any drugs etc. You will receive answers that may be surprisingly candid, straight forward and detailed in relation to his account of alcohol consumption.

Case Study Motor Vehicle Accident CTP Liability Injured person under 21 years in Victoria. In some states children injured in Motor Vehicle Accidents through CTP Insurance must wait until they are 21 years of age before they can seek damages for the accident.

Karl Oates was the Insured driver in 1986 returning home from work at 4.15pm when Amanda Banks ran out in front of his vehicle and was struck by the vehicle. The Claimant, Amanda, was six years old at the time. She had a five dollar note in her hand and was rushing across the road to the shop to buy sweets. Witnesses confirmed at the time that the driver Karl was not at fault, was not speeding, took evasive action and a breath test proved negative. The police did not lay charges and since that day Karl has never heard any more about the matter.

You will be required to contact Karl Oates and make an appointment to get a detailed statement. You will need to ascertain all matters, vehicle, type, condition, and service history as well as Karl's driving history and license status at the time.

There may be no need to inspect the scene, it may not even exist, check your instructions. Be careful when contacting the Insured. It is not appropriate to disclose to any one that answers the phone that you are an investigator calling about the child Karl ran over. Ask to speak to Karl, and if he is not available leave a message that you will contact him again later.

Insured drivers involved in accidents such as these remember these incidents well. They were not at fault, but injuring a child in an accident is something they will well remember the circumstances of. You may be asked to interview any witnesses also, follow the instructions.

Motor Vehicle Accidents (Personal Injury) – Mechanical Fault

When an accident is caused by a mechanical fault or deficiency in respect to the Insured vehicle, it is necessary to establish exactly what the mechanical fault or deficiency was, whether the driver had knowledge of it and whether it could have been prevented.

In certain circumstances, where it can be proved that the mechanical fault or deficiency was caused by either a component failure or a deficiency on behalf of a manufacturer or an authorised mechanical repairer, the CTP Insurer may seek to pursue contribution from that party.

What do you do? Interview the Insured owner/driver and any nominated witnesses to obtain the full circumstances surrounding the accident. In doing so, it is also necessary to obtain detailed information and evidence in respect to the age, condition and roadworthiness of the Insured vehicle. You will be required to obtain documents showing the service and maintenance history of the vehicle, together with any documents in respect to the particular mechanical issue that caused the accident.

In these situations, it is not the responsibility of the CTP Insurer to compensate an injured Claimant where evidence can prove that the accident was caused because of the negligence of a vehicle repairer. The CTP Insurer will seek contribution from the public liability insurer of the vehicle repairer.

Case Study An Insured owner/driver reported an accident that occurred immediately after she collected her vehicle from having the brakes repaired. The Insured reported that after driving from the brake repairer, she drove to the nearest cross intersection and when she applied the brakes to slow for the red light, the vehicle started to slow down but then the brake pedal went straight to the floor and the vehicle continued forward into the intersection and collided with another vehicle.

You receive instructions from the claims manager of the Insurer to obtain a statement from the Insured and any other witness to determine the circumstances of the accident. Of particular importance, it is necessary to obtain all documents and receipts, etc. in respect to the mechanical repairs conducted to the vehicle and conduct inquiries with the brake repairer in respect to the work carried out immediately prior to the subject accident.

The claims manager has also requested that we contact her immediately if during the investigation if we feel that it is necessary to have an engineer examine the brakes on the Insured vehicle.

Factual investigation - Neighbourhood Inquiries (Door knock)

In a large number of different types of investigations, one of the most valuable methods of locating witnesses to an incident is by attending the scene and conducting a door knock of all the premises in the vicinity. It is preferable to attend the scene on the same day of the week and at the same approximate time, so that you increase the likelihood of speaking with witnesses who were present at the time the incident occurred, however, if this is not possible, it may be necessary to visit the area at a couple of different times when the occupants are present.

Neighbourhood inquiries are conducted as a normal part of general insurance investigations, (stolen motor vehicle or home burglary inquiries, etc.) or specifically in respect to motor vehicle accidents or slip, trip and fall accidents.

When conducting these inquiries, it is prudent to have your laptop and printer with you in your vehicle so that you can immediately obtain a signed statement should you locate a valuable witness.

Case Study An accident occurred between an Ambulance and a cyclist in Main Avenue, Wilsonville, and approximately 3.30 pm. Police were not called to the accident scene as the ambulance conveyed the injured cyclist directly to hospital about 4 minutes after the accident occurred. Consequently there no police report was made and the CTP Insurer requires you to investigate the circumstances surrounding the accident and to conduct a door knock of the area to locate any witnesses.

The Ambulance driver advised a person by the name of “Miss Simpson” stopped and assisted the injured cyclist at the time and said “I live across the road, and I saw it all”.

As the two ambulance drivers alighted their vehicle and attended to the cyclist, the cyclist said; “Geeze; you guys got here fast!” and then lost consciousness.

You have been specifically instructed to conduct door knock inquiries in the area in an attempt to locate “Miss Simpson” and obtain a statement from her. In addition, you are required to conduct neighbourhood inquiries in the attempt to locate any other independent witness.

Initially try to conduct these inquiries around dinner time in the evening when occupants and potential witnesses will be at home. At this time, you may also ask if any one knows Miss Simpson. You are required to record the name and address of each person you speak to for your report.

A good tip to use when attempting to locate witnesses in a built up area is to stand on the footpath at the approximate site where the accident occurred with a folder under your arm. Look around at the surrounding premises, and when you observe the curtains to move, it is likely that you will have located the residence of the neighbourhood “sticky beak”. If this person did not see the accident occur, it is highly likely that they will know who did, and your chances of gaining valuable information will be significantly increased.

Case Study Low velocity impact. James Hansen was ordering a Super Sized Meal Deal with the Works in the drive through of the Mack Attack Plaza. Angela Dunn collided with the rear end of James’ vehicle as she crawled forward to read the “Specials” sign. A small indentation in the rear bumper was the only damage caused in the collision. James, received his meal through the window, paid for his food and the started yelling “My neck, Ohh, my neck”. You will be required to interview witnesses, conduct a door knock the area opposite the drive through which is a strip of car wash businesses. Angela provided information that three people from that area came over to her and offered assistance should she require it because they witnessed the accident. She did not get their names at the time because she though the incident was so minor nothing would ever come of it.

Factual investigation - Interviews with police

As part of your instructions in respect to an investigation for a claim for personal injury lodged as a result of a motor vehicle accident (Compulsory Third Party investigation), you have been requested to interview the police officer who attended the accident scene and compiled the

police report to obtain information of their observations at the scene. It is also common for requests to be made to conduct interviews with police officers in relation to thefts, burglaries and other incidents such as assaults, etc.

It is important to understand that each State Police Service has different procedures on how this should be approached. For example, in Queensland the police will not participate in any interviews with civil investigators unless the matter is proceeding to Court. In NSW and Victoria permission must be obtained from senior police, and upon permission being granted, you are allowed to interview the respective police officer for one hour and you must pay an hourly fee to do so. In South Australia, a formal written request must be submitted, and upon permission being granted, you are allowed to interview the respective police officer for one hour. In Tasmania a Sergeant of Police must be present during the interview.

The Police Accident Report is usually obtained by the Insurer prior to issuing instructions to the investigator, and the interview with the reporting police officer is generally conducted to obtain information that is not already contained within the police report. The additional information is usually in respect to their observations of the Claimant immediately after the collision, the extent of damage caused to the motor vehicles involved or if there were any other extenuating circumstances that may be of importance in determining the civil claim, but were not relevant to any police matters at the time, for example, the condition of the roadway.

It is very rare for police to participate in any formal typed or recorded Records of Interview and the interview will consist of simply asking questions and making notes of the answers provided.

Police attend thousands of accidents ranging from minor collisions to multiple fatalities and it is crucial that when making your appointment that you are specific about the day date and time of the accident, and preferably provide them with their reference number, so the police officer can bring all the documents, notebook, photographs, sketches and any other information that may be of relevance.

Although the police will generally decline to participate in any recorded interview, use a digital audio recorder to record notes, and the contents of statements and other documents. Information contained in such documents can be read aloud and recorded, after which you can transcribed to make detailed notes.

Ask the police officer for identities of all witnesses, even if no statements were taken by them. Their notes will always have contact details containing an address and phone number for each witness. Police will often record the details of witnesses other than the one or two listed in the Police Accident Report.

Case Study Rudi Brown was driving to his workplace (a bakery) to commence work at 3.00AM. It was a foggy night, in fact, visibility was down to 5 metres as Rudi entered the straight length of road way. Rudi did not see the white horse in the middle of the road prior to impact. The impact threw the horse over his sedan and the horse died immediately.

You are instructed to interview the attending police officer Senior Constable Black. You will conduct a record of interview with him and seek a copy of the notes he took at the time. The reason you need to interview Black is the Insured was knocked unconscious at the time of impact and cannot remember anything about the collision. Through this interview the Claims Manager will discover what the police know about the circumstances, ownership of the straying animal and any potential for recovery.

You may be also required to interview any other witnesses or the tow truck driver who recovered the vehicle. Depending on your instructions, you may be required to inspect and photograph the scene, check for available street lighting and write a report.

Part 4 – Worker’s Compensation Investigations

Workers Compensation Investigations – Personal Injury (Physical Injury)

What are they? As defined in Workers Compensation legislation, a worker is a person who was injured at work, or depending on the particular State’s legislation, driving to or from work. It must be proved that the worker was injured and that the workplace / work activity was directly responsible for, or contributed to, the worker's injury.

What do you do? Interview a representative at the workplace who manages Workers Compensation matters regarding the circumstances of the accident. Interview the supervisor and witnesses to establish the circumstances of the incident, inspect, measure and photograph the scene and write a report.

What equipment do you need? Laptop computer, digital camera, digital recorder, note book, measuring tape, measuring wheel, access to internet and a mobile telephone.

Examples of workplace physical injuries may include:

Broken arm, broken leg, internal injuries, loss of limbs, head injuries, back injuries caused by lifting, hearing loss, eye injuries, exposure to heat, radiation, chemicals or asbestos, slips, trips, falls, fatalities and car accidents traveling to and from work.

Case Study A forklift driver is responsible for loading stacks of pallets onto the pallet dispenser machine at the start of the production line roller conveyor. As the pallets were individually dispensed onto the outbound feed roller, one became jammed because it had been inadvertently stacked at 90° to how it should be and the base supporting timbers became wedged between the rollers of the conveyor.

The forklift driver climbed onto the conveyor and used a crowbar to lever the pallet free, and while doing so, his right foot fell between the rollers of the conveyor and he sustained a serious injury to his right knee.

In addition to the obtaining the usual information in respect to the workers period of employment, position, wages and job description, specific information is required in respect to the workers training and instruction in regard to freeing jammed pallets and what safe system of work was in place to deal with such instances. Should he have been standing on the conveyor? It is also necessary to determine if the worker was adequately supervised when performing his duties.

Case Study The Claimant has lodged a workers compensation claim for negligence against the Insured. However the insured had never employed the Claimant and has advised that the Claimant was an independent contractor. Your task would be to establish the relationship between the Insured and the Claimant, if any, obtain documentation, contracts and payments (if any), interview relevant witnesses and report to the Claims Manager the facts regarding that relationship. You are not allowed to approach the Claimant as he is legally represented.

Investigation Tip – for case law regarding who is deemed to be a worker and who is not, conduct an internet search for the case law reports of *Hollis v Vabu Pty Ltd*, and *Stevens v Brodribb Sawmilling*.

Case Study The Claimant was discovered by other factory workers on their return from lunch break. He was sitting in a puddle of water and told those present he had slipped and injured his back. He claimed he could not move. There were no witnesses to this alleged accident. Your task will be to interview the supervisor, WH&S officer and those who discovered the Claimant sitting on the floor. You cannot interview the Claimant as he is legally represented and is no longer employed there. You will inspect the scene and compile a report.

Case Study The Claimant had received two written warnings and counseling regarding taking a shortcut by jumping from the rear of the truck and not using the ladder that was provided. The Claimant jumped from the rear of the truck and broke his leg. You will interview the employer, get copies of the documents relating to the warnings and counseling. Interview any witnesses and establish the safe work method and WH&S policies/procedures relating to this particular work activity and compile a report.

Case Study Accidents, incidents and their subsequent investigation are not subject to industrial boundaries. Therefore the investigator will be often exposed to industry specific terminology. Such terminology may be used in the daily work of psychologists and mentioned to you as part of the circumstances describing the event or incident you are investigating. The following words would not be familiar to a third party hearing them on a recorded interview:

- Amygdalotomy – a form of psychosurgery in which amygdaloid fibres are severed, it has been used in extreme cases of uncontrollable violence.
- Retrospective falsification – unconscious modification and distortion of previous experiences so as to make them conform with present needs.
- Automatism – Any act performed automatically that is, without conscious thought or reflection.

Alternatively industry specific terminology is used in mining:

- Cationic – A positive charge (in a liquid or material) that attracts negatively charged material.
- Flocculant – A chemical to assist fine material to settle in a water mixture.

No matter what the industry is, it can have specific words, phrases or terminology that a typist will not understand if those words are not correctly explained during the recording process.

Use the phonetic alphabet to spell out any vague or ambiguous place names, unfamiliar person's names, or industry related terminology and any alphabetical letters during recorded interviews. A – Alpha, B – Bravo, C – Charlie, D – Delta, and so forth.

Work Related Journey Accidents.

The main issue to determine is whether the injury suffered in the motor vehicle accident will be dealt with under Compulsory Third Party insurance or by Worker's Compensation insurance.

In some States, normal travel between work and home is not normally covered by worker's compensation insurance unless the employee can demonstrate "a real and substantial

connection between the employment and the accident". The fact that an employee has an accident whilst travelling to or from work is not in itself a sufficient connection.

Employees who are "On Call" or are undertaking journeys within a working day (eg. from one business location to another) will usually be covered. Similarly, employees travelling away from home, including overnight absences will usually be covered for travel, provided that their manager has approved the journey.

In States where journey related accidents are covered, the main issue to establish is whether the accident occurred whilst travelling along the "normal and frequent" route. Depending on the circumstances, if the accident occurred during or after a substantial delay, interruption or deviation, the worker may not be covered.

It is necessary to be familiar with and understand the provisions of the legislation applicable to the State or Territory in which you are conducting the investigation.

Case Study Worker's compensation journey claim. Worker Justine Prebble accepts a lift home on a motorbike from work offered by Harvey Tollman. Justine falls from the bike and is injured during the journey when the bike hit a pothole which was the result of recent rain.

Your task will be to interview Harvey Tollman regarding the circumstances of the accident. You will need to establish the route taken and the frequency of such rides by the Claimant. You will also need to conduct a door knock of the residences in the vicinity of the accident scene to locate any witnesses and you may be required to interview any attending police and ambulance staff. You may be required to interview the Claimant's supervisor or manager.

The issue with this Worker's Compensation Journey Claim is the normal direct route taken from work to the Claimant's residence boundary.

You will obtain statements, inspect the scene and compile a report. You will not be required to interview the Claimant.

Case Study David Pless stopped at a café on his way home from work one afternoon and ordered a coffee. He took up a seat on the outside of the café and awaited his order. An out of control vehicle, mounted the footpath where David was seated and he was killed instantly. You will interview his employer and take a statement, inspect, measure and photograph the accident scene and interview any witnesses as instructed and compile a report.

Workers Compensation Investigations – Psychological / Psychiatric Injury (Stress) Investigations

What are they? As defined in Workers Compensation legislation, a worker is a person who was injured at work, or depending on the State, driving to or from work. It must be proved that the workplace was directly responsible for, or contributed to, the worker's injury. "Stress" is defined in legislation as being a psychiatric or psychological injury. Expert medical opinion and evidence is used to determine if the worker was injured.

At the time the worker lodges their Notice of Claim, they specify certain allegations as to why the workplace has caused the psychiatric or psychological injury. They may be general allegations in respect to the workplace environment or they may be specific allegations directed towards certain staff members.

101 Investigations you will conduct as a Private Investigator or Inquiry Agent By Patrick Flynn and Michael Evans

What do you do? On certain occasions, and depending on the client, we may have to interview the Claimant first to determine and establish the precise allegations. You then interview the person at the workplace who manages Workers Compensation matters regarding the circumstances of the alleged injury and the day, date and time of the final incident that led to the worker making the claim. Interview the supervisor and witnesses and write a report.

What equipment do you need? Laptop Computer, digital camera, digital recorder, note book, access to internet, mobile phone and vehicle.

Examples of workplace psychiatric or psychological injuries may include:

Real or perceived work related harassment, bullying, unrealistic deadlines, large workloads, constantly shifted their objectives and priorities and broken promises.

Case Study A baggage handler at the airport raised concerns with his supervisors and managers in respect to changes made to the customer check-in procedure and rostering system which has resulted in understaffing, increased workload and breaches in security and safety issues.

Upon raising these issues, the worker alleged a lack of support from supervisory staff and he was abused when he asked for help. He further alleged that management failed to address his complaints regarding the stress caused by recent changes and attempts were made to cover up problems rather than solve them.

The worker then alleged that he was “targeted” and encountered bullying, harassment, intimidation and abuse from certain nominated staff members.

The investigation will involve examining both the customer check-in procedure and rostering system before and after the alleged problems were identified and it will be necessary to interview each of the staff members nominated by the worker so that they can respond to the worker's allegations.

Case Study A supervisor at Global Engineering ceased work on 18 March 2012 and never returned. A claim was later received in the workplace for a Psychological Injury (Stress). Allegations included impossible budgets, deadlines and overtime.

The employer disputed the claim on the basis that the alleged stress was not work related. The employer advised WorkCover that the Claimant's daughter had been “hanging out with the wrong crowd”, and the Claimant had recently split from his wife and a divorce was pending. Further the employer claimed the Claimant's Bed and Breakfast business was in deep debt, and the Claimant was “conducting guided fishing tours on weekends”: He stated this was “hardly the activity of a person suffering from stress”.

Your task will be to interview the employer, and any witnesses. You may be asked to interview the Claimant with his legal representative present. You will be required to compile a report.

Case Study Duty of Care in Workers Compensation applies to Stress Investigations

Duty of care is a key concept contained in WH&S legislation. In the older style of legislation, duty of care was just the employer's responsibility. Today it is still very much the employer's responsibility, but it also refers to your responsibility as an employee.

The new approach expects workers to be involved and to take reasonable care for their own safety and for the safety of the people they work with. More specifically, workers are expected to:

- Work in a safe manner that will not endanger self or others whilst at work
- Follow safety instructions
- Use equipment provided for safety or health reasons as instructed

Report any hazards with machinery, tools or the workplace to the immediate supervisor or safety representative.

This duty of care includes (but is not limited to): providing a safe system of work, safe place of work, safe plant and equipment, adequate training, adequate supervision, adequate assistance (mechanical & manual) and adequate warnings of any associated risks.

Such allegations involve a breach of a statutory duty. Investigations are therefore based around establishing the authenticity of the allegations. Remember, there is generally not a dispute regarding the accident's occurrence; however "Reasonable foreseeability" must be investigated.

In April 2007 a Queensland Ambulance Officer was awarded a \$570,000.00 payout because his employer failed in its duty of care and did not recognize or address the symptoms and warning signs of his work related stress condition.

Part 5 - Surveillance Investigations

Overview

When a claim for compensation has been lodged as a result of a person suffering a personal injury, discreet covert surveillance is often used to determine and confirm the extent of the Claimant's alleged injury. This information is used by insurance companies and solicitors during the management of the claim and can also be used to facilitate an early settlement by both parties.

What do you do? Discreetly observe the worker and obtain video evidence of the Worker undertaking both his/her daily routine and certain activities.

Surveillance is used for many reasons, and can prove the extent of an injury as much as it can prove and over exaggeration of an injury. The surveillance operative simply observes the Claimant and obtains video evidence to support those observations. The surveillance operative makes no decisions in respect to the Claimant's injury because this is left to medical experts, claims manager and solicitors.

It is common for surveillance to be instructed on the day that a Claimant attends an independent medical examination (IME) and this is a time when the Claimant attends a medical appointment to be examined by a medical specialist. Such medical examinations are lengthy and thorough

The video evidence obtained may be later examined by a medical practitioner and their opinion may be given when comparing the worker's claimed capabilities and restrictions to the actual activities performed and recorded on video.

What equipment do you need? A digital video camera, digital recorder, motor vehicle, laptop computer, access to the internet and a mobile telephone.

Examples of surveillance investigations may include: A Claimant observed undertaking routine activities at their residence, a Claimant observed before and after work, a Claimant observed over a weekend to see if they engage in any recreational activities and surveillance conducted when a Claimant attends an independent medical examination (IME).

Case Study A Claimant alleged that he suffered a back injury while engaging in manual handling activities in the workplace (loading cartons of produce on a truck) and he has subsequently been off work for a month due to the alleged injury. The alleged injury was reported on a Monday morning.

The employer received an anonymous “Dob-In” telephone call advising that the Claimant did not suffer the injury at work, but instead, hurt his back while motorbike riding the day before (Sunday). The caller further advised that the Claimant’s back had now recovered and had heard that he was staying off work “to see how much money he could get”. The caller suggested that the Claimant had resumed riding motorbikes on the weekend.

The employer contacted his workers compensation insurer and advised them of the information he had received. The workers compensation insurer requested that surveillance be conducted over the next two weekends in an attempt to confirm the veracity of this information.

Case Study The Insurer has received an anonymous telephone call, (“Dob-In” call), that a vehicle which was previously reported as stolen and not recovered by an Insured, (and whose claim was paid by the Insurer), is currently at another address owned by the Insured in a different State from which the vehicle was stolen. The address details are provided to you.

You are instructed to undertake surveillance at the address and establish what vehicles come and go from that address, and record the make, model and colour of vehicles and the description of the drivers.

You will be required to establish what vehicles if any are garaged or stored at that address, and if possible, photograph them.

Should you identify the vehicle of a similar make and model is the previously reported stolen vehicle, you will be required to follow the vehicle to any other place it may go. You will also be required to make a telephone report by phone to the insurer every 2 hours regarding your progress.

At this stage, you will not be required to make any neighbourhood inquiries or approach any person at the nominated address.

Case Study Graham Townsend (the Claimant) has an appointment with Dr Clare at 11.00am on level 15 / 312 Forsyth Street, Crown Hill on 6 November 2012. You have been instructed to undertake surveillance to observe the Claimant prior to, after and for a number of hours on the days following the IME. As this period of surveillance is the first occasion that surveillance has been conducted, the IME will also be used as an opportunity to positively identify the Claimant and to establish the residential address of the Claimant.

Be vigilant and be prepared for anything. A graduate student of the Australian Security Academy once observed a Claimant at an IME and took video of the subject entering and exiting the IME in a wheelchair. The Claimant then entered his vehicle, after operating the lift to place the wheelchair on top of the vehicle. The Claimant then drove immediately to a shopping centre where he exited the vehicle on foot and without the wheelchair and walked around the shopping centre for two hours.

Case Study The subject David Jones has agoraphobia (fear of open spaces). This condition came about as a result of David being subject to an armed robbery in his work as a service station attendant. David was robbed, bashed, tied up and driven away locked in a vehicle boot and dumped in the bush. His claim is that he is unable to go out in public due to fear as a result of the robbery.

Your surveillance instructions outline that you are required to undertake seven consecutive days of surveillance on the Subject for 9 hours each day. Ascertain if the subject does leave his residence for any reason, follow the Subject and record the Subject's activities. If the Subject does not move, you must stay in position and note that there is no activity. Note who visits the Subject, and record the time and events such as groceries being delivered or laundry being collected, etc. You will be required to take detailed notes and compile a report.

Case Study Surveillance must positively and accurately identify the Subject. Some time ago in Victoria, an injured worker was placed under surveillance. Video evidence was obtained, and the worker had his claim denied and his entitlements stopped. This process took 5 weeks to explain to the worker through the insurance agent. In that time the worker received no compensation at all because the video showed the worker actually working in another place of employment. At the appeal, the video was played. The video was of the workers brother, not the worker who had gone five weeks without income, based on incorrect information.

Other Surveillance Situations

Case Study The prices of the designer label bags at Bags R Us at the Hobart Airport Duty Free Store were almost too good to be true. The client will engage you to buy three or more bags that are marked with the Client's label. You must then fly to New Zealand and then return the next day and post the bags to the client for examination. The client then will follow up on the matter if the bags are proven to be counterfeit copies. You may be asked to covertly video the purchase, you will need to make careful notes of the conversation had and specific questions asked at the time of purchase, compile a report and be prepared to give evidence in Court. A passport will be required for this assignment.

Case Study Identifying participants and or known past radical activists at events such as international political meetings, economic conferences, global warming conferences, world bank conferences, energy summits and the like. You will be given a briefing on potential threats and known past persons of interest and provided with photographs and descriptions. Your role will be to work with security and police to patrol an area, for example entrance ways and side alley rear access where crowds may gather to protest peacefully. You will be engaged to identify and report any suspect on the list provided. You must be alert and will be provided with radio communications. Your role is to only observe, security will handle any subsequent arrest or detention in conjunction with the police.

Case Study Monitoring business assets. This is rare but it is a surveillance activity to prevent sabotage which may be requested by a client during times of emotional industrial relations upheaval. Such times in Australian History have included waterfront confrontations between employers and unions, or energy providers and unions. You will be required to keep under

surveillance a facility such as a power station, access gate, exit gate, fence line, bridge or other facility of interest. This is not terrorist related but workplace related by nature.

Case Study Retail loss prevention for known shoplifting offenders. Shoplifting today is such a common matter that in most jurisdictions it is now considered a “Penalty Notice or Infringement Notice” offence. That is, the thief is given an “on the spot fine” by police and does not even have to attend Court. Shoplifting and unlicensed driving were once so common they caused congestion in the Courts, so the Penalty/Infringement Notice system has been implemented. In cases of organised crime and professional thieves you may be asked to covertly video their activities so a case may be developed by a retail outlet (chain, supermarket etc) to secure a Court prosecution for the suspect.

Such thieves are generally well dressed, unremarkable and have a fixed “modus operandi” or method of operation. For example a middle aged female may walk around a supermarket with a “shopping jeep”, the type of vinyl bag on wheels that older ladies use for convenience and preference over heavy supermarket trolleys. This is filled with high value goods. The thief will time her exit from the supermarket by waiting near the checkouts, pretending to be talking on a mobile phone, then when a single male goes to the check out with goods to pay for, the thief will walk through that same checkout, giving the appearance that they are together. The single male is just a customer not an accomplice but neither the customer nor the checkout operator notice the scam. It is impressive to watch the skill of such thieves, but it costs retail outlets a fortune. They will sometimes hire surveillance operatives to detect known operators of this scam.

Part 6 - Public Liability Investigations

Overview – General Matters

Public liability insurance is taken out to protect policy holders from legal and medical costs that arise from an incident on the policy holder’s property, even if the policy holder is not to blame.

Public liability insurance has become increasingly popular, and necessary, with the increased number of claims for compensation being lodged each year. For this reason, public liability insurance has become one of the most important insurance policies that individuals and businesses hold.

Policies are generally taken out by business owners and a used in connection with the operation of their business; however, it is common for household/domestic home and contents policies to include public liability coverage.

What do you do? You are required to interview the Insured (policy holder), interview witnesses, measure and photograph the scene and compile a report.

What equipment do you need? Laptop computer, digital camera, digital recorder, note book, measuring tape and wheel, vehicle, access to the Internet and a mobile telephone.

Examples of public liability investigations may include:

Personal injuries, such as slips, trips and falls (these are the most common), injuries caused by fittings and equipment and illnesses caused by food poisoning/contamination, etc.

Public liability investigations can also include claims for damage to property caused by such things as water damage, smoke damage or equipment failure.

Case Study A fruit shop owner erected small display stands at the front of his shop in order to attract customers to shop. The fruit shop was located at the side of a long walkway with in the food court/mall of a large shopping centre.

An elderly customer who attended at the shop slipped and fell on a grape which had fallen from one of the display stands. The customer suffered an injury to her elbow and her ankle as a result of the fall.

The investigation will involve interviewing the shop owner, staff present at the time and any other identified witnesses in order to establish the circumstances of this incident. It will also be necessary to inspect measure and photograph the accident scene.

In addition to the above enquiries, it will be also necessary to make inquiries with the owner and staff to determine what preventative measures and procedures they had in place to prevent such an accident occurring, together with obtaining details of their cleaning and inspection procedures for the area.

Case Study A plumber and his assistant are repairing guttering on the roof of a shed in an industrial complex. The plumber situated on the ground passes up a 5 metre length of colour bond guttering to the assistant who receives it and continues to raise it above his head. As he turns, he touches one of the power lines situated 2 metres above the roof top.

Sparks shoot from the assistants work boots as they blow off his feet, and he is simultaneously thrown off the roof and falls a distance of approximately 3 metres to the ground. The assistant survives the incident however he has suffered a number of serious injuries. Three children playing next door witness the accident and one still has nightmares 8 months later.

The assistant lodged a claim for compensation, and 9 months after the accident, you receive instructions from solicitors who represent the public liability insurer of the transport company who own, operate and control the site where the shed is situated.

Your instructions require you to locate all witnesses and obtain statements from them and inspect measure and photograph the accident scene to confirm the circumstances of the accident. You are specifically instructed not to contact the plumber or the Claimant. You are also required to obtain copies of any contracts regarding the work and establish if the Office of Workplace Safety who investigated this matter will lay charges and prepare a factual report detailing your findings.

Case Study The contractors installing the water main through the paddock next to Geelong Airport realise it is getting dark. Using building ply, the contractors cover the 1 metre wide by 3 metre long by 2 metre deep hole which had been excavated to install the valve connection. They look around the flat paddocks and observed some sheep in the paddock but saw no other stock in the area. As an extra test, all three jumped up and down on the plywood and were happy that no person walking through the paddock would fall in the hole.

Upon arrival at work in the paddock the next day, the three workers were confronted by the site of an injured horse in the valve connection hole that was excavated yesterday. The horse had suffered severe injuries and had to be put down.

The horse had previously been a very successful racehorse that had earned significant winnings and had now been put to stud. The loss had been receiving stud fees of \$15,000 per service and was said to be conservatively valued at \$120,000.00.

You represent the public liability insurer of the Council who engaged the plumbing company to lay the pipe.

You are instructed to interview the relevant person at the Council who was in charge of works and obtain relevant documents such as contracts and risk assessments and interview all witnesses to establish the circumstances surrounding this incident.

You are also instructed to conduct inquiries and obtain evidence in respect to the breeding, race history, and value of the horse and write a factual report detailing your findings.

There are a number of other common types of public liability investigations that are regularly undertaken by investigators, and the following examples are included to provide you with an awareness of the diverse types of situations you may be required to investigate.

Public Liability Investigations – Product liability (Personal Injury)

What are they? These involve instances where claims are made for personal injury caused by faulty or defective products or goods. The underlying principle in these claims is that when you purchase products or goods, they should be safe and not likely to cause any personal injury or harm.

What do you do? It is sometimes necessary to interview the Claimant in respect to these matters to obtain their version of events prior to conducting other inquiries. You will then interview all witnesses, and in addition to conducting the normal inquiries to confirm that the incident occurred, it will be necessary to conduct inquiries in respect to the manufacture of the item, including what quality-control procedures were in place and whether there is a requirement for the product to comply with any Australian Standard.

If the item was manufactured overseas and it is not possible positively identify the manufacturer, inquiries should be conducted to identify the Australian distributor of the product.

Examples of public liability investigations involving products that cause injury may include:

Furniture that collapses, tools and equipment that break, electrical goods that cause shock or electrocution, products that leak toxic or dangerous chemicals or gases such as batteries that leak acid, food that causes illness or poisoning and many other instances where a faulty or defective item was found to be the primary cause of an injury.

Case Study Mary Smith purchased a pie from her local corner store. As she consumed the pie, she bit into it and she encountered a small stone which subsequently broke her tooth.

You have received instructions from solicitors who represent the public liability insurer of Old Mate's Pies, and they have requested that you to investigate the circumstances surrounding this incident.

You are required to interview the owner and staff at the corner store in an attempt to confirm that the Claimant purchased the pie on the day in question.

You are also instructed to interview a representative of Old Mate's Pies to determine the process of manufacture and what quality-control procedures are in place to prevent such an incident occurring. You are to inquire if there have been any similar incidents involving this product.

At the completion of your inquiries prepare a factual report.

Case Study The claim alleges that Herbert and Priscilla Watson were served "Hot and Spicy" Burritos at the Big Mex Palace franchise in Central Adelaide, when they ordered Regular Burritos. Both Claimants allegedly consumed the Hot and Spicy food which they were allegedly allergic to and spent the next three days in hospital. The compensation claim includes on going trauma and medical treatment for headaches and dizziness and a combined amount of \$500,000.00 in damages.

You act on behalf of the Insured, the Mex Palace franchise. Your task will be to ascertain if the incident did happen by interviewing the owner and the staff involved. You will be required to look at the delivery, storage and separation of food, the cooking, ordering and serving systems. It will also be necessary to obtain copies of the documents relating to the cash register sales at the time of purchase and establish what was ordered, how and what was served? You may even have access to video of the incident. At the completion of your investigation, you will be required to prepare a report. You cannot interview the Claimants as they are legally represented. A request for a copy of the hospital records would be made by the solicitor that instructs you.

Case Study Keith Wallace purchased a bicycle from J Mart Sports. The bike was assembled in store. On the first outing, the back wheel fell off while Keith was cycling down hill. He suffered injury and loss as a result. You will represent J Mart Sports Public Liability Insurer. You will interview the shop owner, establish the supplier of the bike, the manufacturer and any contracts between such parties. You will also be required to ascertain if there were any similar incidents, and ascertain details of such incidents. It will be necessary to locate and interview witnesses, inspect, measure and photograph the scene and write a report.

Public Liability Investigations – Product liability (Damage)

What are they? These involve instances where claims are made for damage caused by faulty or defective products or goods. Similar to product liability (personal injury) investigations, the underlying principle in these claims is that when you purchase products or goods, they should be safe and be not likely to cause damage.

What do you do? Again, similar to product liability (personal injury) investigations, it is sometimes necessary to interview the Claimant in respect to these matters to obtain their version of events prior to conducting other inquiries. You will then interview all witnesses, and in addition to conducting the normal inquiries to confirm that the incident occurred, it will be necessary to conduct inquiries in respect to the manufacture of the item, including what quality-control procedures were in place and whether there is a requirement for the product to comply with any Australian Standard.

If the item was manufactured overseas and it is not possible positively identify the manufacturer, inquiries should be conducted to identify the Australian distributor of the product.

Case Study Jack Jones was a keen gardener and he purchased a new brand of weed killer from Blogg's Backyard Gardening Centre. Upon leaving the store, Jack placed the 2 litre, plastic bottle of weed killer on the back seat of his brand new Lexus 4WD valued at \$140,000.00.

It was found that although the lid on the container was done up tightly, it did not seal completely and it allowed 1.5 litres of toxic weed killer to leak all over the rear leather seat causing \$7,800.00 worth of damage to the vehicle interior.

Have received instructions from solicitors who represent the public liability insurer of Blogg's Backyard Gardening Centre, and they have requested that you to investigate the circumstances surrounding this incident. Although the manufacturer of this product is known, it will be necessary to establish the distributor, and the system of transportation and storage of this product.

In respect to Blogg's Backyard Gardening Centre, it will be necessary to prove that the product was in fact purchased from their store by obtaining a copy of the purchase receipt and it is important to establish if there have been any similar incidents involving this product.

You are required to interview witnesses and establish the Claimant's movements from the time of purchase until the incident, and establish if any one else was in the car prior to or at the time of the incident. In respect to the cost of damage, it will be necessary to obtain proof of the cost of replacement for the interior.

At the completion of your inquiries prepare a factual report.

Public Liability Investigations – Night Clubs and Hotels

It is common for a physical confrontation or fight in a night club or hotel to result in one party sustaining physical injuries as a result of that incident. It is also common for the injured party to lodge a Notice of Claim for compensation, claiming that they are now unable to work due to the injury.

What do you do? You are required to interview the Insured (owner of the nightclub), interview witnesses, measure and photograph the scene and write a report.

Examples of other public liability investigations involving nightclubs and pubs include:

Fights, slips, trips, falls, security evictions, injury caused by equipment, cuts caused from broken glasses, drink spiking, etc.

Case Study The security video shows a patron who was intoxicated and causing an argument at a licensed premises. Three security guards approached the patron and asked him to leave. The patron refused, became violent and the guards used reasonable force to remove him from the premises. The patron was a bricklayer, very fit and very strong. He was ejected after quite a struggle, through an exit, where he fell down some stairs and hit his head on a flag pole and was knocked unconscious.

You act for the insurance company who represents the night club. You are required to interview the Insured's representative, interview the security guards, interview witnesses and inspect, measure and photograph the scene.

It is imperative that you establish what qualifications and training the security guards held, and what instructions, policies and procedures were in place and applicable to that venue. It is also crucial that you ascertain whether the security guards complied with such policies and procedures.

At the completion of your enquiries you are required to prepare a factual report and be prepared to attend Court if required.

Case Study An alleged nightclub fight results in injury to a night club patron and a claim is lodged against the club. You represent the Night Club's Public Liability Insurer. You will be required to interview the Insured owner, locate and interview any security staff and interview any witnesses. You will collect documents, such as incident reports, regarding the matter and copies of licenses and training records of security staff.

Keep an open mind. Security staff often eject people who have physical fights. A process may be in place where one is ejected through one exit and the other through another exit. If the fight continues later at another club or in the street outside this will be relevant. The reason is that the incident that caused the Claimant's injury may not have happened on the Insured's premises and the Insured therefore may not be liable.

Obtain detailed statements from everyone, collect copies of documents and prepare a factual report. You may be required to interview police or ascertain if charges were laid against any one.

Case Study Particulars of Negligence are the allegations that a Claimant makes against the organisation subject to litigation. Particulars of negligence specify the grounds for the Claimant's Claim and provide the reasons the Defendant was said to be negligent.

It will specify issues such as "The Defendant failed in its duty of care by not providing adequate lighting", "The Defendant failed in its duty of care by not warning the stairs were unsafe", "The Defendant failed in its duty of care by failing to maintain a safe workplace" In these matters you will represent the Defendant and you must have the representative in the position of authority from that organisation to respond to each allegation in their statement and whether they deny that allegation.

Case Study 18 year old Andrea Hill claims she was pushed from a dance podium by an unknown person on the evening of 12 September 2012 at the Hot and Wild Night Club in East Perth. As a result, she suffered injury to her right leg and neck. There is no record of this incident at the night club.

You represent the night club's Public Liability Insurer and your task will be to interview the club manager, the security and bar staff and ascertain the incident reporting procedures and rules pertaining to the use of the dance podiums. You are required to obtain statements and inspect, measure and photograph the scene and compile a factual report.

Public Liability Investigations – Injuries caused by animals

Personal injuries caused by domestic animals are also a type of public liability investigation that is commonly undertaken. The most common are dog bites and kicks from horses, however it is also common for children to be scratched by cats and for them to be bitten by caged birds. Parrots can cause severe injuries to the fingers and hands of children.

What equipment do you need? Laptop Computer, digital camera, digital recorder, note book, measuring tape and wheel, access to the internet, a mobile phone and vehicle.

Examples of public liability investigations conducted involving injuries caused by domestic animals may include:

Dog bites, kicks from horses, parrot attacks, emu pecks, cat scratches and bites from other animals such as snakes, lizards, guinea pigs, etc.

These investigations may involve any injury or damage caused by a domestic pet at an Insured's premises, or in certain circumstances, it may occur away from the Insured premises.

Case Study A swimming pool cleaning service is contracted to clean the swimming pool at the Insured's house. It was arranged that the pool service contractor should contact the Insured to arrange entry to the premises. The Insured advised that he would arrange a mutual time for access to the yard and he would tie up the family Doberman dog. This arrangement had been in place and followed for 11 months.

On the day of the incident, the pool service contractor did not contact the Insured and entered the premises via a side gate. A "Beware of the Dog Sign" was displayed on the gate. The Doberman attacked the pool service contractor and caused an injury to both his arms and left leg.

A Claim for personal injury was lodged an incident will be covered under the provisions of the public liability clauses of the home and contents insurance policy held by the Insured.

You are instructed by the insurance company representing the Insured.

Your task is to investigate the circumstances of the incident. It is necessary to establish the arrangements in place, and obtain evidence of the dogs breeding, any previous history of biting or aggressive behaviour, its training and routine. You must establish if the dog is trained as a guard dog or is just kept as a family pet. It is necessary to ascertain how often this cleaner visited the premises and why he entered in the manner he did on this occasion.

You are required to take statements from the owner of the dog (Insured), the breeder, any witnesses and neighbours and establish if there have been any previous incidents involving the dog which may have been reported to the local Council. Depending on the information you receive, it may be necessary to submit an application to the Council under the provisions of the Freedom of Information Act to determine if the dog was registered and to obtain specific information regarding any previous incident.

After inspecting and photographing the scene you will be required to compile a comprehensive report.

Case Study The Insured's pet fluffy white Burmese Kitten escapes from the back yard and runs across the road in front of an approaching Harley Davidson. The rider of the Harley Davidson (a cat lover) takes evasive action and subsequently crashes the Harley Davidson into an electricity pole in an attempt to avoid colliding with the cat.

Damage to the Harley Davidson was estimated at \$15,000.00, however, despite the owner holding comprehensive property damage insurance for the motorcycle, two witnesses

observed what occurred and confirmed that the Insured's cat caused the accident to occur and the rider of the Harley Davidson did nothing to cause or contribute to the accident.

Subsequently, the Claim for damages is made under the provisions of the public liability cover included in the home and contents insurance policy held by the Insured.

You will be instructed by the insurance company representing the Insured. You must confirm that the Insured owned the cat, how the cat was normally secured and retained in the residence and why it escaped on this occasion.

You must interview the Insured and any witnesses, and in circumstances such as these you will most likely be instructed to interview the rider of the Harley Davidson and take a statement from him to quantify the extent of the damage and value of the repairs.

It will be necessary to inspect and photograph the scene and compile a report.

Case Study Joan Gibson was driving along the highway in rural South Australia. She did not see the black steer in the middle of the road which has escaped from the farmer's paddock alongside the highway. The steer was killed instantly, Joan suffered a broken collarbone. You represent the CTP insurer and you are required to obtain witness statements, inspect measure and photograph the scene, identify the owner of the steer, interview that person, and identify his/her insurer. At the completion of this investigation, prepare a detailed report.

Public Liability Investigations – Accidents caused away from home.

In certain circumstances, accidents and incidents may occur away from an Insured's residence that the Insured is deemed to be responsible for. The accident may not have been foreseeable but the accident was caused by the Insured. These situations are covered by the public liability provisions of a home and contents policy held by the Insured.

Case Study Damien Landers purchased a bottle of Eucalyptus Oil from Buy Better Supermarket. As he walked out the door the bottle falls through a hole in the plastic supermarket bag and smashes on the tiled surface outside the shop. Damien goes inside to get a cleaner to clean up the oil, he is gone for 1 minute upon his return to the site of the spill, a female was found to have slipped on the oil and hurt her back. This accident was caused by the Insured (Damien) and subsequent action will be taken by the Claimant directly against Damien.

You represent Damien's Home and Contents Public Liability Insurer. This accident was not foreseeable and not his fault and he is covered even though the accident did not occur at his residence (the risk address).

You are required to interview the Insured, inspect and measure and photograph the scene, interview witnesses, if any, and prepare a report.

It is worth noting that other investigators may represent Buy Better and the Shopping Centre Complex as it is likely they will be joined in this action by Damien's Home and Contents Insurer.

Case Study Candy Lane is preparing for a big night to watch the State of Origin football match on TV with 20 of her friends. Candy had attended the local shopping centre and was on the moving walkway (travellator) which travels from level one to the car park. Her shopping trolley is stacked high with snack food and drinks and she cannot see over the top of it. In

front of Candy on the walkway is elderly Agnes Flint, who has difficulty getting off the end of moving walkway. Candy's shopping trolley collides hard with Agnes's leg and causes a deep gash.

Due to her age and frailty, Agnes is hospitalized for 4 months at a cost of \$900.00 per day. Although Candy clearly caused this accident, she is covered by her home and contents insurance. You are required to interview the Insured, inspect, measure and photograph the accident scene, interview any witnesses and prepare a report.

Other investigators may represent the manufacturers and maintainers of the walkway and the Shopping Centre as it is likely they will be joined in this action by Candy's Home and Contents Insurer.

Case Study Chemist delivery girl Ashley Knowles slips from the top step of Jack and Karen Shultz's residence. Ashley breaks her leg and has eight months of work. You represent the Home and Contents insurer of the Shultz's residence. Your Instructions request that you view and clarify details of the policy because the policy was taken out with the Shultz's insurance broker and the records held by the insurer indicate that the policy has not been renewed.

You must interview and obtain a statement from Mr & Mrs Shultz to clarify this and prepare a report.

Part 7 – Other Types of Investigations

Factual Investigation - Income Protection

What is it? A self employed person has taken out Income Protection Insurance in respect to injury, illness or disability, and they make a claim against that policy.

Various investigations are requested by insurers in respect to claims made against income protection policies, however they are often conducted some time after commencement of the payment of benefits and they are generally conducted to obtain specific information.

Such inquiries are normally handled by claims management staff, however, there are occasions when external investigators are instructed to conduct inquiries to obtain certain information. It may be that a number of claims are due to be reviewed (e.g. benefits have been paid for 12 months) and investigators have been appointed to conduct customer progress visits with each Claimant.

What do you do? Conduct a factual investigation addressing the specific issues requested by the insurer and prepare a report.

What equipment do you need? Laptop Computer, digital camera, digital recorder, note book, measuring tape and wheel, access to the Internet and a mobile telephone.

Examples of income protection investigations may include:

Visit and interview the Claimant to obtain information in respect to the progress of their injury/illness, which medical practitioners they are consulting, their current treatment, the type and dosage of their medication, what rehabilitation they are undertaking and how long the current treatment/rehabilitation will be required.

Case Study A self-employed horticulturist slipped on muddy ground while retrieving her tools from her trailer and she suffered a soft tissue injury/sprain to her left shoulder.

Medical evidence provided at the time of lodging the claim (medical certificates, x-rays and ultrasounds) confirmed that the Claimant suffered a relatively minor soft tissue injury and she was given anti-inflammatory medication, time off work to rest and a number of physiotherapy visits in order to complete her rehabilitation.

The Claimant has been off work since the accident and has been receiving benefits for six months.

As the injury was initially reported as being “relatively minor”, claims management staff are curious as to why it is taking so long for the injury to resolve and an external investigator has been appointed to visit and interview the Claimant to obtain current information in respect to the injury, prognosis and future treatment, if any.

Factual Investigation - Employer Fidelity Investigations – Stealing from an Employer

What is it? An employee, contractor or business partner steals from the employer.

What do you do? Undertake a factual investigation and surveillance investigation (if needed), and based on the outcome of those investigations, possibly arrange for an “undercover” worker to be employed in the area.

What equipment do you need? Laptop Computer, digital camera, digital video recorder, digital recorder, note book, mobile telephone and a vehicle.

Examples Include: Loss of cash, loss of stock, loss of intellectual property and loss of equipment. Common situations targeted are building sites, accounting offices, retail store or bar cash registers, retail shops, and ware houses. Stolen stock is usually of high value and can include IT or computer products, perfume or designer fashion clothing and/or accessories

Case Study Over \$1,000,000.00 of stock has gone missing from a store owner's warehouse distribution centre. Installation of security cameras has had no affect on reducing the amount of stock going missing. Laptop computers, X Box game consoles and games, computer software, DVD's, I Pods and much more are among the high value, easily concealed items being removed.

You are required to be engaged to work as a covert operative in an “undercover” capacity (UC) in the distribution warehouse. You are required to make observations, keep notes, report each evening to your nominated contact to establish who is stealing the property. Depending on the outcome, you may be required to liaise with the police, and if needed, provide them with statements and other evidence and possibly give evidence in court.

Case Study Albright's Engineering suspect an employee is stealing design plans for boating equipment and selling them to an overseas competitor. There is a strong black market for such equipment, and these designs are unique to Albright's. There is no workplace paper trail of phone calls or email messages, and the suspect has been taking a lot of time off recently to visit the dentist during work hours.

It is normally after these times away from work that advertisements appear for the designs on the Internet in Europe. You will be engaged to follow the suspect covertly over a period of time and report on his activities. Who he meets, how often, where and when are matters of interest to the employer. You will be required to take digital video and keep detailed notes, write a report and be ready to give evidence in court.

Factual Investigation – Dependency Investigations

What are they? A person is fatally injured in a motor vehicle accident. As a result of the fatality, an amount of Insurance is to be paid to the dependants of the deceased, however the deceased has not left a will and there is confusion as to who the deceased's dependants are.

What do you do? Interview the deceased's relatives and friends to ascertain the identity of the deceased's children and spouse are, if any.

Examples of dependency investigations may include: People killed either at work or in some States as a result of motor vehicle accidents. Insured people who die without leaving a will are sometimes living in circumstances where the payment could be disputed.

Case Study A male person had been separated from his wife and two children for 18 months. Whilst walking across the road one evening in the dark during heavy rain, he was run over and killed by a motor vehicle. His dependants are entitled to \$60,000.00.

Instructions are received from the solicitor representing the deceased's estate. Ascertain the deceased's living arrangements, and if he was separated from his wife. Locate and interview and obtain statements from the deceased's mother, father, brother and co workers. Determine and obtain documentary evidence if any of visiting and access rights to the children by the deceased. Obtain information regarding other or new relationships with any one else by the deceased.

Problems with this investigation. You will interview close relatives who have recently suffered the loss of a loved one. Children are involved and the matter will likely be highly emotional.

Follow instructions and be professional in your approach, show and use empathy to establish the facts, take a small packet of tissues to each interview. Keep the solicitor informed of your progress.

The aim of this investigation is to ensure the correct persons receive their correct entitlement.

Case Study A female person suffered fatal injuries in a motor vehicle accident. She has four children less than six years of age. Each child is believed to be to a different father. \$50,000.00 compensation is available to be paid to the deceased's dependants. You will be asked to ascertain, the length of relationships, intentions of relationships, knowledge of the fathers and be provided by the solicitor with over 20 pages of questions which must be answered in a statement. You will be required to interview the deceased's parents (dependants Grand Parents) and perhaps friends. Your instructions will outline this.

Do not ever take a High Moral ground approach. The deceased's social life is not on trial, you must collect the facts as required in the instructions, for the benefit of the appropriate dependants.

Follow instructions and be professional in your approach, show and use empathy to establish the facts, take a small packet of tissues to each interview. Keep the solicitor informed of your progress.

The aim of this investigation is to ensure the correct persons receive their correct entitlement.

Locate Witness Investigations

During the course of many investigations that you will conduct, you will regularly be required to locate someone who is able to provide valuable information in respect to your inquiries.

Sometimes you may have a full name, address and contact telephone number for that person, however you find that the person has moved and relocated to another address and has changed their contact telephone number. On other occasions, you may only have a name without any address or contact telephone number to try.

Where do you start? Contrary to a common belief, private investigators or inquiry agents do not have access to restricted data bases, nor are they able to access certain methods used by law enforcement personnel to locate individuals. Private investigators or inquiry agents only have access to publicly accessible information and such data bases that are available to members of the general public.

Despite this, there are a number of different methods commonly used to locate persons and they include: Free searches:- telephone subscriber data bases (White pages, Yellow Pages, etc.), free Australian Business Register (ABN) search, Australian Securities & Investment Commission free company name search, Building Services Authority online licence search, Google searches and any other publicly accessed or online lists in respect to organisations or clubs that the person may be a member of.

There are also a number of paid or subscriber searches that can be used to locate persons:- Land owner/property searches such as Citec and RP Data, company and directorship searches such as Citec and people list databases such as Dunn and Bradstreet, FCS Online and Veda, etc.

Inquiries conducted with the next door neighbours at previous residential addresses will often locate people who have either remained friends with the person sought or they possess their current contact details. Likewise inquiries conducted at previous workplaces can be successful in locating acquaintances that may be able to assist with locating the person sought.

Case Study A female employed to deliver Pizzas was injured in a hit and run accident. A person who other witnesses described as being a Nurse stopped and administered first aid until the ambulance arrived. The Nurse left before police arrived and your task is to locate and interview the Nurse to ascertain her observations and any what conversations she had with the Claimant immediately after the accident. There are three hospitals in the area and you know she gave her first name to others at the scene as “Antonia”.

Case Study Eight oil rig workers were present when the platform collapsed in Bass Straight injuring the Claimant, Edward Sampson, in 2004. It is not known which workers actually witnessed the accident, and your task is to locate those who saw the incident and interview them, and establish which workers were present but did not see the incident occur.

You are provided with a list of names and last known contact details. You will be required to locate each one and speak with them. Methods include white pages searches, conducting enquiries with the other witnesses, visiting the last known addresses and by conducting electoral roll searches. It is important to not limit yourself to only these methods, but you may use any other method mentioned in the preceding paragraphs that you feel appropriate.

Case Study Emerging technologies are an excellent source of locating people. Don't just perform a Google search, be inventive to identify alternative ways to locate someone. YouTube, Facebook, Twitter, (and all other social media sites) are irresistible to some people and they will often provide information to indicate a person's whereabouts, or even their contact email addresses, etc.

Factual Investigation – Work History

What is it? One of the primary issues that needs to be addressed in the claims management process for any claim involving compensation for personal injury is that of determining exactly how much should be paid to the injured Claimant (quantum). A large percentage of the quantum is a calculation for loss of future economic earning capacity. Simply, this means that

if a person cannot continue working as a direct result of an injury sustained, their future loss of wages is calculated to retirement age.

Because of this, it is vitally important to determine exactly what work the Claimant did, what the Claimant's level of experience was, how much the Claimant was paid, what the Claimant's future career prospects were, including promotion and advancement and the likelihood of continuing network until retirement age. All these issues are crucial when determining the Claimant's loss of future wages.

What do you do? In order to obtain this information, it is necessary to interview all past employers, family, relatives and friends, and where possible, obtain documentary evidence to support the information provided.

Why are these investigations necessary? The two most common reasons for conducting work history investigation are; firstly, because the Claimant has suffered a serious injury and is unable to provide details of their work history, and secondly because the Claimant is suspected of overstating or exaggerating their employment history in order to obtain a larger payout figure.

The following are reasons for conducting work history investigations:

- The Claimant is in a coma or vegetative state in hospital.
- The Claimant has suffered a serious head injury and cannot remember and has no relatives or friends, or past employment records. The Claimant has not completed a tax return in the last 2 to 10 years.
- The Claimant or beneficiaries are suspected of claiming that the Claimant had a higher income than their actual income in anticipation of a larger payout.
- The Claimant has no records to back up their claims of employment.
- It is suspected that Claimant was never employed.
- The Claimant was an itinerant worker.

It is important to consider that no one knows they are going to be suddenly injured, so it is common for most people to not have their affairs completely in order for the purpose of an insurance claim.

In cases where no records are available, it is necessary to undertake these investigations and interview witnesses to establish evidence of the persons working life. It is important to obtain as much evidence and information as possible so the claims management staff and solicitors can make informed decisions in respect to the settlement of the claim.

In most cases the insurance company you represent will have admitted liability, and the investigation is conducted to establish the Claimant's income for determining the quantum of the claim.

Case Study George Jackson, aged 33 years, was involved in a motor vehicle accident and suffered serious injuries that will leave him in a coma and on life support for the rest of his life. His financial affairs were not in order, and he has had several career changes and a number of different jobs in the last 10 years.

You have been instructed to obtain as much evidence as possible in respect to this person's employment and income history. You are required to:

- Interview all the Claimant's previous employers.

- Interview the Claimant's relatives, friends, workmates or neighbours.
- Collect copies of any documents relevant to the Claimant's employment (including and not limited to; wage records, tax returns, pay slips, holiday pay details, severance pay details, etc.)
- Ascertain what the Claimant's employment potential was (promotions, opportunities, etc.)
- Details of sick leave taken.
- Knowledge of any previous injuries or illnesses.
- Details of the Claimant's attitude and performance at work.
- Details of the Claimant's duties and pay in each of his previous jobs.
- Compile all this information into a report

Investigations Initiated from Interstate Clients

You will often receive instructions from clients located in other States to conduct investigations locally in your State. This is a common and legal practice. It is cost effective and ensures that the investigator is licensed and familiar with the particular legislation applicable to the area where the investigation is to be conducted.

Case Study Jenny Collins is an investigator who resides on the Queensland Sunshine Coast. She has been instructed by a client located in Melbourne to conduct a local Sunshine Coast investigation. The nature of the investigation is to conduct surveillance on a Claimant who is a singer in a band that is performing at the Sunshine Coast Leagues Club on Saturday 26 March and Sunday 27 March 2012.

Jenny will need to use a covert hidden video camera when she attends both performances and positively identifies the correct singer. The instructions note that this band has two female singers who are 27 years of age and it will be necessary to conduct other discreet enquiries to establish the correct identity of the Claimant.

Case Study Fred Christian, a solicitor located in Darwin, needs to arrange a statement to be taken from the last of eight witnesses to a major workplace accident in order to make a determination on how to proceed in a litigated Common Law Worker's Compensation matter. The last witness now lives in Hobart. Fred contacts a Hobart Private Investigator, Mary Livingston, and arranges for her to contact and interview the witness. Fred provides a list of necessary questions and an appropriate statement template in the format required by Fred. Mary conducts the interview and returns the statement to Fred.

Case Study Byron Holmes, an investigator licensed in New South Wales, currently resides in Northern NSW. He occasionally crosses the border to Queensland to conduct interviews and scene inspections on some of his investigations, but this is a rare occurrence. This is acceptable and appropriate because the majority of his work is conducted in NSW. He is not required to obtain and carry a licence for both States, as his clients are aware that he does not hold a Queensland licence and they have not specifically requested that he obtains a Queensland licence.

Without Prejudice Inquiries

Conducting without prejudice inquiries may be an additional requirement to your instructions with any investigation. You will be asked to make inquiries on a "Without Prejudice" basis with the Claimants solicitor to establish the names and contact details of any witnesses, or the time and precise location of where the accident occurred or similar information.

The rule of “Without Prejudice” was introduced more than 100 years ago, and it was introduced to encourage parties involved in a dispute (civil) to reach an out of court settlement. By stating “Without Prejudice,” negotiations can be entered into openly and potentially without the fear of anything that is said during the negotiations being used in evidence at a trial, should the negotiations fail.

Do not be intimidated by this, it simply means you must make inquiries and formally gain information from the opposing side in a legal action. You simply ring up the legal representative, introduce yourself on a “without prejudice” basis, provide the solicitor’s file reference or claim number and ask them when it would be convenient to call back. They do not always have every file at hand, but some may. Conducting these inquiries over the telephone is acceptable.

Case Study The Claimant has made a claim for an injury suffered in a nightclub, when he fell down some stairs. You represent the night club’s public liability insurer. You are instructed to contact the Claimant’s legal representative and establish the names of the two witnesses who told security they were with the Claimant at the time of the accident that night. Security did not get their names but made reference to this in the incident report.

Investigations with Receivers

In the general operation of commerce, some businesses simply cannot meet their debts and are put in the hands of an official receiver to “wind up” the business. The receiver will administer any remaining assets and try to recover some money to pay the outstanding debts.

The receiver will retain a lot of information or documentation, regarding the operation of that business. You may in the course of an insurance claim lodged against the business, need to access that information as you represent that insurer’s business. Generally this is allowed and acceptable.

It is normally necessary for you to have a torch, gloves and the physical ability to lift boxes of files stored in an “archive”. This is usually located in a large storage area situated in an unlit basement of the building where the receiver’s business office is located. You will be required to search the files, locate the information and prepare a report.

The information sought might be financial, it may be to locate an incident report or it may be to locate the name and contact details of other employees who may have been witnesses. It may be any number of other things.

Investigations using interpreters

If the person being interviewed advises that they cannot competently read or understand English, whether they are of a foreign nationality or simply that they cannot competently read English, it is acceptable practice to have an independent person, or interpreter, present to assist with the interview.

General Procedure

There are a number of accredited interpreter services available. Should the need arise for an interpreter to be used during an interview, the following procedure must be followed:

- Identify the language and the specific dialect if applicable, or other specific need – for example if the person is deaf
- Provide a written request to management for approval to obtain an interpreter. Such requests MUST include details as to whether such an interview is critical to the continuation or outcome of the investigation

Once approval is given, one of the following agencies is to be contacted to provide the service:

- Commonwealth: Translator and Interpreter Service – 131 450
- State: Queensland Translator and Interpreter Service – 3218 2136
- State: Queensland Deaf Society – 3356 8255.

Persons to be avoided as interpreters

The use of any co-insured or any other accomplice, as an interpreter, is not acceptable. Relatives and any interested party (such as a witness or Insured in another associated matter) should be avoided as interpreters, for the reason that their independence and neutrality can be challenged.

It can also be argued that persons in authority may have provided an inducement.

Process during interview

An interpreter must identify himself/herself to the interviewee. It is to be made clear and there should be no misunderstanding that he/she could be his/her solicitor or advisor. There must be understanding between the interviewee and interpreter. Persons of the same Nationality may be restricted through dialects. The interpreter must also clearly understand English.

The interviewee should be given an opportunity to select his/her own interpreter if they wish however caution should be exercised because of possible collusion. If his/her choices breach the recommendations in the above he/she should be allowed his/her choice, but the services of an independent interpreter should also be employed to ensure propriety.

During the interview

- Record the question first, either on the tape, on your computer or in your notebook. Then have the interpreter ask the question from the record. Record the answer as given by the interviewee through the interpreter - in the words of the interpreter.
- At the completion of the interview, invite the interviewee to adopt the record using the appropriate procedures.
- Whether the interviewee adopts the record or not, have the interpreter read over the record and adopt it himself/herself. He/she will thus be able to refer to the record in giving his/her evidence.

At the end of the notes/interview, the appropriate jurat and acknowledgement are to be completed.

Notes read aloud to by
Notes understood by

and so on.

The notes/record are also signed by the independent person/interpreter in the same manner as the investigator.

It should be remembered that the interpreter may later be required to give evidence at any subsequent Court hearing or tribunal - and they should be advised of this.

Case Study Dewi Nguyen had her vehicle stolen from the garage of her residential unit in Perth. Dewi cannot speak English and has been assisted by a local Migration Centre volunteer with completion of the Claim Forms. Investigator Cheri Hicks was assigned the investigation and she engages an Interpreter to conduct the Record of Interview at the Migration Centre at 2.00pm on Thursday 15 September (two days time). Cherie will meet the interpreter first and then conduct the interview. It is permissible to conduct the interview at the Migration Centre.

Recovery and Contribution Investigations

What are they? Recovery is the term used where an insurer seeks to obtain money from someone to reimburse them for money they have already paid to a Claimant on a claim. Examples are where an insurer seeks to recover the amount of a settled claim from a negligent driver who was not indemnified because he was driving with a blood alcohol concentration over 0.05% or where it has been proven that the primary cause of the accident was as a result of a mechanical fault with the motor vehicle due to deficient work performed by mechanical repairer.

Contribution involves “joining in” another party or other parties to contribute to the payment of the claim. This may include individuals or other Insurers who were equally or partly responsible or negligent.

Addressing issues in respect to recovery and contribution can form part of a factual investigation into the circumstances surrounding an incident or it can be an investigation conducted specifically to identify any potential opportunity for recovery or contribution. For example, if an accident occurred inside a business premises which involved an item of furniture or equipment that was found to be faulty, the business owner has an obligation of a duty of care towards a customer who attends the premises. Accordingly, the public liability insurer for the business will indemnify the business owner for any damages sought as a result of the accident. However, potential recovery or contribution may be pursued from the designers, installers and companies who maintain the faulty equipment (or there in insurers).

Case Study Mrs. Mildred Higginbottom attended at the exclusive Frangipani Resort Shopping Centre, and while using the escalator between the ground and first floor, her gold bracelet became entangled in the rubber belt hand rest and she was subsequently dragged to the ground at the top of the escalator. She suffered severe lacerations to her left wrist and she dislocated her left shoulder.

You have been instructed by the insurer of the shopping centre to investigate the circumstances surrounding this incident, including interviewing a representative of the Frangipani Resort Shopping Centre and any witnesses. Specific attention should be directed to obtaining details in respect to the make, model and operation of the escalator with the view to identifying any potential recovery or contribution opportunity.

The claims manager has requested that you ascertain if a design fault or malfunction with the escalator caused the accident.

Interviews with relatives and friends, associates and conflicts of interest

Be mindful of the potential for conflict between your role as an investigator and matters which are personal to you.

Ask yourself:

- Do I have, or will I have, a personal relationship with any of the people involved in the investigation? Mere knowledge of a person, or the fact that you have worked with them, is not enough to constitute a case of bias on your part. You should look to see whether your personal relationship with the person is based on a close friendship and favoritism, or based on animosity. If you are related to the person, remove yourself from the investigation.
- Was I a participant in any of the issues involved in the investigation? If you witnessed something, or managed or supervised the area concerned, you should not be inquiring into those issues.
- Do I have a financial interest in any matter involved in the inquiry? If you or a family member are likely to gain or lose money from a decision or finding of your investigation, you should not be a part of it.
- Am I prejudiced in any way towards or against a person involved in the investigation, or does my behaviour or comment suggest that I may have prejudged issues or people?

If any of the above applies, withdraw from the investigation.

Case Study Investigator Sam Jukes received instructions to conduct an interview with David Mayne and Carol Stebbings regarding a motor vehicle accident that occurred on 12 March 2012 on behalf of the Third Party driver's CTP insurer. Sam is David's brother in Law. Sam notified his employer and withdrew from that assignment on the basis that it presented as a conflict of interest. The instructions to interview these parties passed on to another investigator.

Missing Persons Investigations

The Investigation to say "No" to

Where a member of the public makes a personal approach to you with a request to locate someone, you should be cautious when accepting instructions for this type of investigation because the investigations are sometimes not what they seem on face value.

In our work as a private investigator or inquiry agent, we are often asked to locate missing persons. It should be seriously considered that if a person is missing, they are usually missing for a good reason. It is often as a result of fear of physical abuse or harm. Accordingly, some people may lie to you about why they want to locate an individual.

The person who approaches you may present nicely dressed and in a professional manner and advise you that they are just trying to catch up with their ex-girlfriend to advise them of news of a mutual friend, or a number of other plausible reasons.

It is not uncommon for women in particular to change their own and their children's identity, and be assisted to do so by the police or another government agency, because their life was seriously threatened by ex-partners.

Such investigations have a real potential to end in tragedy, and from a professional and moral standpoint, they are investigations that are best avoided.

It is wise to avoid requests from private individuals to locate missing persons because the real reason behind such a request may never be known. However, being instructed by insurers or solicitors to locate individuals for legitimate reasons is perfectly acceptable and legitimate work as an investigator.

Case Study As recently as 2005, an investigator in NSW was engaged to locate a missing person. He used the help of a police "friend" to achieve this through police computer records and the missing person was located. Two days later, the located person was found dead (shot with a cross-bow). The investigator has to live with that tragic outcome on his conscience for the rest of his life.

Case Study Obsessed fans are willing to use any means to locate and harm celebrities. This includes conducting their own surveillance, research and locating enquiries. When that research fails the disturbed person may be willing to engage a Private Investigator to do that work on his or her behalf. This situation in America has proven fatal on more than one occasion. Sometimes it is best to decline the request to conduct such investigations.

Summary

All investigations will follow a similar process

- A set of instructions
- Interview the witnesses in order of importance to that case
- Inspect the scene and photograph and measure
- Identify any conflicting information
- Clarify the conflicting information
- Check information
- Report the facts

As investigators you must implement the ABC principle of Investigations:

"Assume nothing", "Believe nothing" and "Check everything"

No two investigations are the same. Every day in your activities as an investigator you will learn something new. If you don't learn new things, I guarantee that you are not doing your job properly. The new thing that you learn might be a minor thing or it might be significant, but it adds to your knowledge and skill. Your skills increase with experience, and dedication to 100% commitment to evidence-based investigation.

In all your investigation activities, good luck and enjoy your successful profession as a licensed investigator.

Do you want to learn more about investigations at a higher level?

Part 8 – Government Investigations

Government Investigation Overview

It is common for people who are conducting research into the different types of investigation careers that are available to raise the following questions:

- What do government investigators do?
- Which government departments conduct investigations?
- What types of investigations do they undertake?
- How do I become a government investigator?
- What qualifications do I need to become a government investigator?

The following information is provided to assist you in answering these questions and will provide you with essential background information about the role of a government investigator.

Let's first look at the term, "Government Investigation".

A government investigation is generally defined as the process of seeking information relevant to an alleged, apparent or potential breach of the law that may involve possible judicial proceedings. The primary purpose of the investigation is to gather admissible evidence for use in any subsequent action, whether under criminal, civil penalty, civil, disciplinary or administrative sanctions.

Such investigations are conducted in the Australian government environment at all levels, Local, State and Federal, and they are normally undertaken to satisfy a criminal burden of proof, being "beyond reasonable doubt" which is a higher requirement than that required in most civil investigations, being "the balance of probabilities".

Undertaking investigations to the standard required in criminal investigations ensures that any enforcement or compliance action resulting from detected breaches will minimise challenges to those enforcement decisions presented to criminal or coronial courts, boards, tribunals or other regulatory commissions. Accordingly, these investigations must be conducted in a manner consistent with the provisions of the Australian Government Investigations Standards and be undertaken by suitably qualified investigators.

Investigator qualifications

The minimum level of training or qualification recommended for investigations staff, as is specified in the Australian Government Investigations Standards, are:

- Certificate IV in Government (Investigation), or its equivalent, as set out in the Public Services Training Package. This qualification should be obtained before an officer is

primarily engaged as an investigator; otherwise the officer should be under the direct supervision of a qualified investigator.

- Diploma of Government (Investigation), or equivalent, as set out in the Public Services Training Package for staff primarily engaged in the coordination and supervision of investigations.

The Certificate IV in Government (Investigation) provides investigators with the minimum competency skills required and is suited to those responsible for statutory investigation under a range of legislation, regulations, mandated government and organisational policy and instructions. The qualification equips investigators with an understanding of government structures and processes, the environment in which they work, and the organisational responsibilities of the public sector and provides a focus on effective conduct and reporting of investigations.

The Certificate IV in Government (Investigation) covers a variety of investigation skills and knowledge, including:

- Best practice principles of administrative and criminal investigations.
- Understanding legislation and how to identify the “elements of the offence”.
- Gathering and managing evidence.
- Gathering information through interviews.
- Preparing statements.
- Conducting search and seizure.
- Formal records of interview.
- Reporting.
- Preparing briefs of evidence.

Many government agencies now require this course to be undertaken as a pre-requisite to working in their investigation departments and investigators who intend to conduct investigations on behalf of government departments will be given priority by most agencies if they hold this qualification.

This qualification is not only a government department requirement for enforcement and compliance investigations, but should be considered by anyone who undertakes or is charged with the responsibility for investigating matters including:

- Fraud.
- Theft.
- Misuse of resources.
- Internal bullying.
- Harassment.
- Discipline.
- Whistleblowers.
- Due diligence.
- Discrimination.

- Victimisation.
- Inappropriate conduct or use of power.
- Grievance and complaint investigations.

Disclaimer

While every reasonable effort has been made to ensure that the information provided in this Ebook is accurate, no guarantees for the currency or accuracy of information are made. At the time of writing, the names of the Government Departments and Agencies and the information and material relating to such Government Departments and Agencies was correct and accurate, however it is provided 'as is' and the Australian Security Academy has no control over any changes that are made by the Government Departments and Agencies since the time of writing.

Commonwealth Government Agencies

The following is a list of Government Agencies that employ qualified government investigators and undertake investigations consistent with the provisions of the Australian Government Investigations Standards.

Australian Taxation Office

Government Investigators at the Australian Taxation Office investigate people who cheat the tax and superannuation systems and gain an unfair advantage by committing fraud or by deliberately avoiding their tax and superannuation obligations.

ATO investigators investigate all forms of tax crime and intentional non-compliance, including:

- Failing to lodge taxation returns.
- Failure to pay employee superannuation entitlements.
- Providing false and misleading information.
- Illegally seeking access to superannuation funds.
- Attempting to dishonestly obtain a financial advantage by deception.
- Dealing with the proceeds of crime.
- Use of offshore secrecy havens.
- Use of an asset-stripping scheme.
- GST refund fraud.
- Unregistered tax agents operating illegally.
- Internal investigators also investigate allegations of fraud or serious misconduct involving ATO employees.

Australian Customs and Border Protection Service

Australian Customs and Border Protection Service manages the security and integrity of Australia's borders. It works closely with other government and international agencies, in particular the Australian Federal Police, the Department of Agriculture, the Department of Immigration and Border Protection and the Department of Defence, to detect and deter the unlawful movement of goods across the border.

The Australian Customs and Border Protection Service investigators predominantly investigate the import or export or attempted import or export of prohibited and restricted imports. The control of these items is either an absolute prohibition, which means that you are not allowed to import or export the goods in any circumstances, or a restriction, where you need to have written permission in order to import or export the goods.

Department of Immigration and Border Protection

Department of Immigration and Border Protection manages migration and works to keep Australia secure through border management and facilitate travellers crossing the border. The organisation strives to make fair and reasonable decisions for people entering or leaving the country, ensuring compliance with Australia's immigration laws and integrity in decision-making.

The Department of Immigration and Border Protection investigate a wide variety of immigration crime and intentional non-compliance, including:

A person who has:

- has overstayed their visa (such as no longer having a valid visa).
- is working illegally.
- has breached their visa conditions.
- deliberately lied on their visa application.
- provided false documents to the department.
- arrived in Australia without a valid visa.

A person who is:

- on a student visa but is not studying.
- in a fake marriage or relationship to obtain a visa.
- a non-Australian citizen who has been convicted of a serious crime.
- providing immigration advice but is not a registered migration agent.
- a registered migration agent who has committed fraud against the department.
- an education agent who has committed fraud against the department.
- helping people to remain or work in Australia unlawfully.
- fraudulently obtaining any benefit or allowance from the department.

A business, employer or organisation who is:

- exploiting its employees.
- breaching its sponsorship obligations.
- allowing people to work illegally.
- an education provider that has committed fraud against the department.

A person or organisation who is:

- involved in sexual servitude or deceptive recruiting.
- involved in identity fraud.

A security risk to Australia, including:

- involved in terrorist activities or associated with a terrorist organisation.
- employing or organising employment for people who have no right to live or work in Australia.
- facilitating immigration fraud or gaining a financial benefit from it.
- involved in organised fraud, people smuggling or people trafficking.
- a person committing any other type of fraud against the department such as falsely claiming money.
- an employee of or another person working for the department who is committing fraud of any type.

Australian Communications and Media Authority (ACMA)

The Australian Communications and Media Authority is the independent statutory authority that administers Australia's media and communications legislation, related regulations, and numerous derived standards and codes of practice.

ACMA has responsibilities under four principal acts: the Radiocommunications Act, the Telecommunications Act, the Telecommunications (Consumer Protection and Service Standards) Act and the Broadcasting Services Act. There are another 22 Acts to which the agency responds in areas such as spam, the Do Not Call Register, and interactive gambling.

ACMA investigate breaches of the legislation and complaints under their jurisdiction, including:

- Prohibited and illegal online content that is hosted in or provided from Australia.
- Online child sexual abuse.
- Unwanted telemarketing calls.
- Disclosure of personal information and unlisted numbers.
- Threatening or unwelcome communications.
- Spam and unwanted junk mail.
- Complaints about advertisements.
- Complaints about TV and satellite reception.
- Prohibited internet gambling content.
- Internet gambling sites and services.

Australian Competition and Consumer Commission (ACCC)

The Australian Competition and Consumer Commission promotes competition and fair trade in markets to benefit consumers, businesses, and the community. The ACCC ensures that individuals and businesses comply with Australian competition, fair trading, and consumer protection laws - in particular the Competition and Consumer Act 2010.

The ACCC investigate breaches of the legislation and complaints under their jurisdiction, including:

- Cartels.
- Anti-competitive behavior.
- Collective bargaining & boycotts.
- Exclusive dealing.
- Misuse of market power.
- False or misleading claims in respect to products and services.
- Scams.
- Franchises.
- Debt & debt collection.
- Consumer rights, guarantees and warranties.

Department of Human Services

The Department of Human Services is responsible for providing access to social, health and other payments and services. The department offers a range of health, social and welfare payments and services through:

- Medicare

Medicare looks after the health of Australians by administering and managing payments and services for health care and medicine.

- Centrelink

Centrelink delivers payments and services for retirees, the unemployed, families, carers, parents, people with disabilities, Indigenous Australians, and people from culturally and linguistically diverse backgrounds, and provides services at times of major change.

- Child Support Agency

Child Support gives separated parents the financial and emotional support needed for their children's wellbeing.

The Department of Human Services investigate breaches of the legislation and complaints under their jurisdiction, including:

Medicare fraud:

- Making Medicare claims for services that were not provided.
- Using someone else's Medicare card.
- Using an invalid concession card.
- Forging prescriptions for PBS medicines.
- Making PBS claims for medicines that were not provided.
- Swapping PBS prescription medicines for other pharmacy items or goods.
- Taking or sending PBS medicine overseas that is not for your personal use or the personal use of someone travelling with you.

Centrelink fraud:

- Someone receiving a Centrelink payment who is not declaring their income from employment, a business, a rental property, or another source.
- Carers receiving a payment who do not have care for a child or an adult.
- A person receiving multiple payments under multiple names, which is identity fraud.
- If a person dies and their Centrelink payment continues to be received by another person.
- Someone overstating an injury or medical condition to claim payments.
- A person misusing or claiming an Australian Government Disaster Relief Payment falsely.
- A person living as a member of a couple with someone and they have not advised Centrelink of this, and/or
- People receiving payments for study who are no longer attending an educational facility or have reduced attendance hours.

Child Support fraud:

- Child Support customers who are living together in a 'marriage like relationship' but claim to be separated.
- Employers failing to deduct an amount from paying parent's salary or wage or failing to forward an amount that has been deducted.
- A parent earning money 'cash-in-hand' and not declaring it.
- Impersonating a Child Support officer.
- Evidence a parent is working but not reporting their full income.
- Someone claiming child support who no longer has the child/ren living with them.

Comcare

The Comcare scheme provides federal workers and their employers with an integrated safety, rehabilitation and compensation system, regardless of which state or territory they operate in, or where workers are based.

Work Health and Safety Inspections

Comcare is responsible for conducting inspections under the Work Health and Safety Act 2011 (WHS Act).

In a WHS inspection, a Comcare inspector attends a workplace to help resolve work health and safety issues, to respond to an incident, complaint or allegation, or as part of a planned program or campaign.

There are two types of inspections:

- Liaison inspections—Comcare undertakes collaborative inspections with employers, workers and their representatives to invest in better work health and safety outcomes. These inspections are proactive, focused on promoting better health and safety outcomes, and encouraging continuous improvement.
- Compliance inspections—Compliance inspections focus on achieving a safety outcome, reducing non-compliance and encouraging continuous improvement. These inspections may feature in our proactive work, but are usually triggered by an incident or complaint. The tools we use to improve health and safety in conjunction with an inspection may include improvement notices, prohibition notices and investigations.

Department of Agriculture Fisheries and Forestry

The Department of Agriculture Fisheries and Forestry provide services to improve the productivity, competitiveness and sustainability of agriculture, fisheries, forestry and related industries. The Department helps people and goods move in and out of Australia while managing the risks to the environment and animal, plant and human health. The Department of Agriculture Fisheries and Forestry incorporates the Australian Quarantine and Inspection Service.

The Department of Agriculture Fisheries and Forestry investigate breaches of the legislation and complaints under their jurisdiction and specially trained departmental officers respond to all reports of biosecurity concerns relating to imported items whether coming through airports, seaports or mail. All reports are investigated.

Civil Aviation Safety Authority

CASA's primary function is to conduct the safety regulation of civil air operations in Australia and the operation of Australian aircraft overseas. It also cooperates with the Australian Transport Safety Bureau, and administer certain features of Part IVA of the Civil Aviation (Carriers' Liability) Act 1959.

The Civil Aviation Safety Authority investigate accidents, incidents and near misses involving civil aircraft and breaches of the legislation and complaints under their jurisdiction.

Other Commonwealth Departments and Agencies

In addition to the Commonwealth Departments and Agencies outlined above, there are literally dozens of additional Departments and Agencies that employ staff that perform regulatory compliance, enforcement and investigation roles.

In summary, the Commonwealth Government is responsible for:

- Medicare
- Immigration and Customs
- Employment and Workplace Relations
- Australia Post
- Family Support and Pensions
- Centrelink
- Funding to the States and Territories
- Taxation - Income Tax, GST and Company Taxes
- Control of Television and Radio
- Imports and Exports
- Air Safety
- Passports
- Defence
- Broadband

When you consider this, it becomes obvious that suitably qualified and experienced investigators have a wide variety of opportunities and career options within the Commonwealth Government and the Australian Public Service.

State and Territory Government Departments and Agencies

State and Territory Governments are responsible for:

- Schools
- Railways
- Car Registration
- Fire Brigade
- Wildlife Protection
- Hospitals
- Most Roads
- Police
- Ambulance
- Prisons
- Planning

Similar to the Commonwealth Government, State and Territory Governments have Departments and Agencies within the areas of responsibility listed above that employ staff that performs regulatory compliance, enforcement and investigation roles.

The following are three areas of State and Territory Government that employ investigators and undertake a variety of investigations.

Fair Trading and Consumer Regulation

One of the most common areas within State and Territory Governments that employ investigation staff are those that deal with State and Territory Fair Trading and Consumer Laws. They are:

- Australian Capital Territory - The ACT Office of Regulatory Services.
- New South Wales - NSW Fair Trading.
- Northern Territory - Consumer Affairs.
- Queensland - The Qld Office of Fair Trading.
- South Australia - Consumer and Business Services (CBS).
- Tasmania - Consumer Affairs and Fair Trading.
- Victoria - Consumer Affairs Victoria.
- Western Australia - Consumer Protection.

These Fair Trading and Consumer Departments investigate breaches of the legislation and complaints under their jurisdiction, including:

- Real Estate Agents.
- Property Agents and Managers.
- Retirement Villages.
- Builders and Tradespeople.
- Co-Operatives and Associations.
- Motor Vehicle Traders, Sales and Repairs.
- Provision of Personal Services.
- Escort Agencies.
- Using Credit.
- Pyramid Selling.
- Unsolicited Trading (Door to Door & Telemarketing).
- Rental Cars.
- Travel and Accommodation.
- Caravan Parks.
- Scams.

Compulsory Third Party Motor Vehicle Insurance Schemes

Another area within State and Territory Governments that employ investigation staff are those that deal with Compulsory Third Party Motor Vehicle Insurance Schemes.

Compulsory third party insurance schemes cover personal injury costs for people injured in motor vehicle accidents, including drivers, passengers and pedestrians.

While the majority of Australian States and Territories have monopoly compulsory third party insurance schemes, competitive arrangements cover almost half the number of vehicles on the roads.

Monopoly or single insurers

- Victoria – Transport Accident Commission (TAC).
- Western Australia - Insurance Commission of Western Australia.
- South Australia - Motor Accident Commission (MAC).
- Tasmania - The Motor Accidents Insurance Board (MAIB).
- Northern Territory - The Territory Insurance Office (TIO).

Competitive insurers

- New South Wales.
- Queensland.
- ACT (in the ACT, competition is allowed, but only one insurer, the NRMA, operates).

Competitive insurers use insurers from the three large insurer groups being:

- Insurance Australia Group (which includes NRMA, RACV, CGU, SGIO, Buzz).
- Suncorp (which includes AAMI, GIO, APIA, Just Car, Bingle, Vero, InsureMyRide, Shannons, CIL, Terri Scheer).
- QBE Insurance.

Investigations conducted on behalf of competitive insurers are outsourced to external service providers (private investigation companies) which have been previously discussed in Part 3 of this Ebook.

Although the monopoly or single insurers do outsource the majority of their investigations to external service providers (private investigation companies), these State and Territory Government agencies have their own investigation departments which employ their own internal investigation staff to investigate the more serious, technical or legally complicated matters that are not generally outsourced. These internal investigators investigate matters such as:

- Certain fatalities.
- Catastrophic or serious injury claims (such as full or partial paraplegia).

- Dependency claims.
- Complaints.
- Overpayments and recovery.
- Fraud, compliance and corrupt activities.
- Where injuries arising from motor vehicle accidents involve other insurance schemes, such as Workers Compensation schemes.

Health Care Quality and Complaints

Each State and Territory have government bodies that investigate complaints in respect to services provided by registered practitioners (e.g. doctors, dentists, pharmacists, nurses, physiotherapists) and unregistered practitioners (e.g. naturopaths, hypnotherapists, acupuncturists). They also investigate complaints about private and public hospitals, medical centres and other health service organisations. They are:

- Australian Capital Territory - ACT Human Rights Commission.
- New South Wales -
- Northern Territory - Health and Community Services Complaints Commission.
- Queensland - Health Quality and Complaints Commission.
- South Australia - Health and Community Services Complaints Commissioner.
- Tasmania - Health Complaints Commissioner.
- Victoria - Office of the Health Services Commissioner.
- Western Australia - Health and Disability Services Complaints Office.

The following is a list of areas where complaints are investigated by the above organisations in respect to the provision of health services:

- Hospital, health institution or nursing home services.
- Medical, dental, pharmaceutical, paramedical, mental health, community health, environmental health, specialised health or allied services.
- Services provided in association with the use of premises for the care, treatment or accommodation of people who are aged or have a physical or mental illness.
- Laboratory services provided in support of health services.
- Laundry, cleaning, catering or other support services provided to a hospital, health institution, nursing home or premises mentioned in item 3, if the services affect the care or treatment of patients or residents.
- Social work, welfare, recreational or leisure services, if provided as part of a health service.
- Ambulance services.
- Services provided by registered providers
- Services provided by dietitians, audiologists, audiometrists, prosthetists, optical dispensers, child guidance therapists, psychotherapists, therapeutic counsellors and services provided by other professional, technical and operational persons that directly contribute to the provision of a health service.

- Services provided by practitioners of hypnosis, massage, naturopathy, acupuncture or in other natural or alternative healthcare or diagnostic fields.
- Services provided in relation to health promotion, education and information.

Local Government

Local Government is often referred to as the Local Council or Shire. Councils make decisions on local town matters.

Local Councils raise the money to provide these services by collecting taxes (rates) from all local homeowners. Local Councils also receive money from Federal and State Government grants to help them operate.

Local Governments plan how our local area will develop. They control building permissions and administer local parks, sporting fields and community centres.

Local Governments are responsible for:

- Street Signs
- Sports Grounds
- Rubbish Collections
- Building Permits
- Collecting Rates
- Traffic Control
- Animal Control
- Drains and Footpaths
- Swimming Pools

Local Governments also make laws (local laws and by-laws) that cover all of these areas of responsibility that are listed above. Local Councils and Shires employ rangers, local law officers, parking officers and compliance officers who deal with a variety of areas of compliance and regulation, such as building compliance, plumbing compliance, signs and advertising and public nuisance.

Local government staff who administer these local laws and by-laws are also required to be suitably qualified and trained to undertake this function.

Government Investigation Summary

As you can see, there are a wide variety of opportunities and career options for suitably qualified and trained investigators in the Australian government environment at Local, State and Federal Government levels.

Should you require further information, please visit the Australian Security Academy website at: <http://www.australiansecurityacademy.edu.au> and click on the “Government Investigation” link to explore the range of government investigation qualifications that are available.