

Submission

No 6

**INQUIRY INTO REVIEW OF THE EXERCISE OF THE
FUNCTIONS OF THE MOTOR ACCIDENTS AUTHORITY
AND THE MOTOR ACCIDENTS COUNCIL - SEVENTH
REVIEW**

Organisation:

Name: Mr Patrick Harrison

Telephone:

Date Received: 18/01/2006

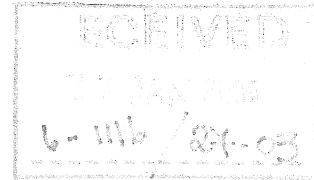
Theme:

Summary:

Mr Patrick B Harrison



18th January, 2006.



The Hon Christine Robertson MLC,
Committee Chair,
Standing Committee on Law and Justice,
Parliament House,
Macquarie Street,
SYDNEY NSW 2000.

Dear Ms Robertson,

**RE: SEVENTH REVIEW OF THE MOTOR ACCIDENTS AUTHORITY AND
MOTOR ACCIDENTS COUNCIL**

I make this submission as the father of a 25 year old boy involved in a pedestrian motor vehicle accident on Monday 29 October 2001 at 10.05pm on the Pacific Highway at Pymble.

1. My son sustained, as a result of this accident catastrophic injuries. The most extensive being severe brain injury classified by Dr Stephen Buckley as "in the very severe range" and will require 24/7 care for the rest of his life. I have supplied copies of these medico legal reports both to the licensed green-slip insurer, the Motor Accident Authority (MAA) and my local Member of Parliament Mr. Barry O'Farrell. The MAA has also been provided with details of the levels of care that the green-slip insurer provided to my son over the early period of his rehabilitation.
2. I am aware of the MAA's process but because of the overwhelming need for both myself and my wife to provide the care facilities to our son, a result of the insurer's absolute refusal to increase the number of care hours a week from an average of 25 hours and the advice that the MAAS process would take anything from 6 to 8 months to resolve, I sought the intervention of the Chief Compliance Officer of the MAA, a Dr. Steve Clough, to see if they were able to expeditiously resolve the care issues urgently needed to meet the permanent requirements of my son.

I refer you to “Traumatic Brain Injury Care and Support Protocols” 2.18 in the Sixth Report and also “Guidelines” 2.27 in the Sixth Report “We produce treatment guidelines...that are a high cost for the scheme, such as spinal cord and brain injuries.”

3. (a) Through my experience with regard to the NSW Police Service and the obtaining of forensic evidence that was gathered by them in the investigation of the accident, it was found again that there were severe obstacles in obtaining any information whatever from the investigating officer or the NSW Police Service. Both the investigating officer, a Const. Adam Griffiths and the NSW Police Service (being Hornsby Police Station) to such an extent that I had to have my local member intervene at the parliamentary level (refer Hansard NSW Legislative Assembly:-
 - (i) Notices of Motion for Mr. Barry O’Farrell 18th November, 2003, No. 179
 - (ii) Mr. B. O’Farrell’s Private Members Statement 22 September 2004).
- (b) With reference to the New South Wales Police Service I think it would be most beneficial to the citizens of New South Wales to have a dedicated Internet section of guidelines, protocols and procedures to be followed to obtain information relative to accidents, especially pedestrian, so that they can expeditiously and effectively pursue their rights on a cost effective basis. In particular with regard to pedestrian related accidents, my experience is that there is no real forensic footprint left at the scene of such accidents and accordingly major reliance is placed on the police report of the accident generated by the investigating officer. This of course begs the question of the reliance of personal prejudice, bias and integrity of the officer carrying out the investigation. I also feel that in the case of all pedestrian related accidents there should be a central reporting database so that the over-riding control mechanisms of the New South Wales Police Service can act as a balance as distinct from the Local Area Police Stations maintaining absolute control of the agenda and accident reporting procedures.

To this end I have taken the opportunity to enclose copies of two (2) letters from Mr. Peter Gallagher, the area commander at Hornsby Police Station, to me:-

- (i) 24th March, 2004. I draw your attention to the first paragraph of this correspondence duly highlighted and marked with an asterisk. It is to be noted that Const. Adam Griffiths was the investigating officer in charge of investigating the accident involving my son. Const. Griffiths was transferred to the Gangs Squad on or about March, 2002. There were no copies of the original case file left at Hornsby Police Station and there were no documents or records whatsoever left at Hornsby except the COPS Report of the Event No. 14979781 which was available on the computer system. The ERISP tape was only found after some considerable effort expended by Mr. Gallagher supposedly stuffed away in the back of some cupboard.
- (ii) With regard to the video tape Mr. Gallagher advised me in a telephone discussion once the NSW Police Service had been subpoenaed by the defendants' solicitors (and of course the CTP Insurers) that Hornsby Police would make available a copy of the video tape to assist me in the prosecution of my son's case. On or about 15th December, 2005 I spoke to the acting Commander, Inspector Phil Day at Hornsby confirming Mr. Gallagher's earlier advice to me regarding the provision of a copy of the VCR. About an hour later Insp. Day called me and the first thing he said to me when I answered was "Do you want the bad news first or what? I have just viewed the tape and it is blank". I said what do you mean blank? His response was "Oh this is just a stuff up, these things happen and in any case you have a copy of the audio tape so that's good enough. If you want anything else then I am only here until 31st December, 2005" and then hung up. I would like to point out that this conversation was addressed to me in a very dismissive, contemptuous, demeaning and cavalier manner. I will be in a position later to advise you further with regard to this particular matter.
- (iii) Crime / Crash Scene Investigation of the complete file held at the Chatswood Office of the above regarding my son's accident has gone missing. Although Mr. Gallagher and I have been advised that all files both preceding and after my son's file remain intact.
- (iv) 5th May, 2004. I draw your attention to all paragraphs of this correspondence duly highlighted and marked with an asterisk. These are not the only unanswered questions relating to the complete integrity of the Police

investigation of this horrific accident that has taken away completely my son's chance of leading any sort of a normal life and utterly devastated the rest of my beloved family's lives.

There are countless questions as to the veracity and integrity of the Police investigation into the causes and responsibility of this accident that remain unanswered but to start with would this Honourable Committee just consider these four points surely it begs the question?

I would like to add that I would be quite happy to personally, on a confidential basis, raise these and numerous further issues with the parliamentary members of the committee at their convenience.

4. In relation to 3.1 of the Sixth Report regarding in particular extensive advertising campaigns by CTP insurers I feel that the extent of such campaigns have reached the level of obscenity and in the light of this would it not be more effective and prudent to divert the large sums of money involved in these campaigns to the provision of services to the injured citizens of this state who are much more deserving than the advertising industry, after all aren't we talking about Compulsory not Discretionary Third Party Insurance. Do not these monies belong to the citizens of this State? Especially in view of the new tort reforms enacted which prohibit plaintiff solicitors from advertising at all. In a truly democratic society it would appear to me that this represents not only covert but also overt bias to corporate members of our society and overt prejudice to the human beings that make up our society.

With regard to Premium Levels in real terms they have fallen rather dramatically below the costs of funding when you take account of the fact that medical and related costs have over the period from 1999 to now, increased in the area of between 50 and 85%. It appears that we are treating the symptoms and not the disease. Surely the ethics and culture of the Australian People would not allow the injured of this society to be further disadvantaged while the CTP Insurer, their companies, executives, employees and expensive legal firms from the Big End of Town earn undreamt of monies from the catastrophically injured and maimed members of our society who in the long term will be required to turn to the Public Purse for their very own survival.

5. **“Obligations on claimants to cooperate with insurers under section 85” 4.17 of the Sixth Report.** In my experience over the last four (4) years and three (3) months this is the greatest oxymoron that I have ever come across. The onus is on the claimant who has very limited resources and means and by the very nature of motor vehicle accidents, the claimant and their families are traumatised beyond belief. To have them comply on the one hand with this most onerous section and on the other hand, the CTP insurer who is by its very nature a Public Listed Company with vast and unlimited resources both financial, legal and otherwise who generally have no compunction to use fair means or foul to obtain and produce the exact and precise outcome that their client, the CTP Insurer (usually the only one or a member of the same class) requires. In this instance the quote “absolute power corrupts absolutely” defines the existing position most appropriately. When an individual, partnership, trust, Government Body or corporation come to rely on its only source of income from one corporation or group of similar corporations the corruption, obfuscation and skewed outcomes most beneficial to the parties in control of the purse strings must prevail. “Blind Freddy” would even tell you this is an obvious “Conflict of Interest” and is a term very familiar to all types of legal jurisdictions not only the British Common Law jurisdiction. At this time there are no checks and balances in the existing system which is now before this Committee except the MAA of NSW which, in my personal experience of dealing with its officers, at both junior and senior levels, deals with claimants in an overtly prejudicial manner in all instances and with the CTP Insurers and their representatives in a clearly biased manner, having no legislative responsibility to do likewise beggars belief – it is purely undemocratic and disadvantages once again the citizens of this State which this legislation is designed to protect in the unfortunate case of a motor vehicle accident. Accordingly, by this very shortcoming in itself produces an obvious and distinct systemic failure of the present system.

6. **“Denial and withdrawal of liability for claims by insurers” 4.62 of the Sixth Report.** It is my understanding that under the Act and on the basis of legal advice that it is a breach of the licensing conditions of the CTP insurer having once admitted liability to then withdraw it except under specific proscribed conditions eg fraud etc.

Why is it the case that CTP Insurers' legal counsel can continue to use this mechanism in order to inflate claimants' legal costs and delay the expeditious resolution of their claim for compensation in the court system without the compliance section of the MAA enforcing the existing legislation? Just one more example of the systemic failure of the present system.

7. **"Complaints about claims handling" 4.68 of the Sixth Report.** It is my experience that at the rehabilitation level insurers engage the least medically qualified people to assess both care and rehabilitation needs and they prescribe this agenda to be assessed not on a medical basis but on a cost basis and they exert undue influence and duress on the deliverers of these care and rehabilitation providers to pursue such agendas and outcomes that deliberately mitigate their exposure to cost levels of care and rehabilitation and eventually compensation for damages as yet again they control the purse strings and the deliverers of these services act accordingly and dance to the Insurers' tune. They even rely on illegal activities to produce the outcomes that they so require. This causes severe stress and trauma both to the claimants and their families who are already highly traumatised as a result of such accidents. I feel sure that this was not the intention of the amended legislation and I feel sure that it has not only occurred to my family but is an experience and view widely held in the general community.

8. **"Payments to people with catastrophic injuries" 5.14 of the Sixth Report.** I refer you to this section and refer you to the following quote "This analysis overlooks the most fundamental of questions. Is the compensation received by the seriously brain injured under both Schemes actually adequate." I then refer you to 5.17 "The process of gathering information ... lasted on average 17 years" (this would surely be on a best case basis)! One does not have to be a Rhodes scholar, a mathematician or even an actuary to realise that the current level of awards for injuries of this nature are grossly inadequate to say the least because within 17 years of the settlement of the claim the costs of the injured party fall directly on the Commonwealth Treasury and Public Purse and this after all is where the States of the Commonwealth obtain their funding for hospitals and medical related costs vis a vis Medicare, the Public Hospital System, Disabled and Aged care facilities. At a time when these services are already at breaking point it would seem to be a "no brainer" to perpetuate the current award compensation level any time into the future. Both the demographic and aging levels of Australia are already placing

enough burdens on our medical system as they stand and to add further strains by not having catastrophically injured or merely injured claimants properly compensated only puts further burden and strains on the already existing system which is in a state of crisis at the state level at this current time. This once again exhibits systemic failure of the current system and serves only to insult the intelligence of the Australian community – it simply beggars belief the stupidity of it all!

9. **“Discount rate applied to awards for future care” 5.19 of the Sixth Report**

The matter of the discount value of 5% applied is totally unrealistic in the world of today in relation to medical expenses, care expenses, living expenses etc and is a significant factor resulting in the complete under funding of the future needs of the injured and seriously injured and does not reflect either the current or future statistical cost trends prevalent in today's marketplace. Rather than applying a discount factor we should be adding a premium because as you can appreciate investment markets move up and down in accordance with economic trends throughout the global economy and to provide a sum certain, in 5, 10, 15 or even 50 years time is totally impossible, even by the most qualified and experienced actuaries available today because of the aging of the population and political and economic pressures throughout the Globe. A good example of this is the old Defined Benefit Superannuation Funds which were abandoned some ten (10) to fifteen (15) years ago by anyone who had not taken leave of their senses. As for Messrs Bowen and Grellman's comments that the current system is based on the user pays concept, this is an absolute nonsense and goes to illustrate not only their gross incompetence but even their complete lack of understanding of how a market based economy operates.

10. **Good Governance of the MACA.** To use the yardstick of today's standard of good governance requires corporations, statutory bodies and even governments, courts and parliaments to have:-

- (i) a policy of complete transparency,
- (ii) a complete lack of conflict of interest, and
- (iii) a clearly defined expeditious and cost effective basis in which to resolve outstanding problems to the citizens of a nation with regard to their health and wellbeing.

At this time it is abundantly clear to me that the MAA and its officers are clearly not complying with this mandate given to them under the Act. Just one more example of the systemic failure of the MACA and the MAA.

11. With reference to firms of actuaries, report providers such as firms of chartered accountants etc, there should be a firm and definite rotation policy in place so that the reports and information comply with normal community standards and expectations of integrity, transparency and present a really informative response to what is occurring in the marketplace on a real time basis. It would appear to me that Messrs Bowen and Grellman rely more times than not on a "Yes Minister" approach. With reports, etc not yet being available. Why not change the legislation to quarterly reporting with a twenty-eight (28) day deadline like every business taxpayer, both large and small, in Australia is required to do under the current ATO Legislation. Aren't the lives of our injured citizens far more important, relatively speaking, than the calculation of GST and other forms of taxation? Because without healthy uninjured citizens there is no Nation, there are no people to work and thus no taxes to be paid. Then and only then will Public Servants such as Messrs Bowen and Grellman be forced into the position where they will not be able to obfuscate, prevaricate and give non answers of the "Yes Minister" type. This is the third millennium, we have the technology, means and resources available now to make this happen. "Let's just do it" our fellow less fortunate Australians are not deserving and entitled to the injustices that are being handed out to them on a daily basis by these greedy and inhumane Licensed CTP Insurance Companies and their co-horts. Messrs Bowen and Grellman's responses to a lot of the questions regarding costs in last years report remind me of Oscar Wilde's definition of a cynic – "As being one who knows the price of everything but the value of nothing" or in the terms of our parents and grandparents "are we going to be penny wise and pound foolish" in the need for the care of our injured citizens.
12. Pardon me, however, but why are we still using the American "Standards" of WPI. The last time I checked my address and had the TV on this was Australia not the US of A. I know it is our great ally and the world's greatest power but it is still not Australia and does not occupy the same geographical position or unfortunately possess our great Australian traditions of mateship, compassion and care for those less well off than ourselves, whatever the case. Australians, as a nation and as individuals have always understood and held the belief "that a truly great nation is

not measured by its military or material might but on the value and worth of each of its citizens and our measurement of worth is measured on the care and consideration we extend to the weakest, most vulnerable and least fortunate members of our society". What is it going to be – God and humanity or mammon? I'll leave it in your capable hands at this juncture.

13. As we have all been brought up to believe "the price of liberty is eternal vigilance" and have always been taught "evil prevails when good men do nothing". I beg of you, for the sake of the countless thousands of injured people in this Great State and indeed this Great Commonwealth who do not have a voice and those yet to come "Do not let the light go out on your watch".

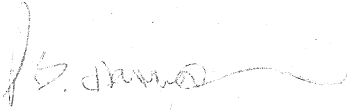
In the words of the Honourable Justice Michael Kirby, A.C., C.M.G., a member of the High Court of Australia – "I am afraid under the current regime of tort reform it has not meant reform but prejudice". Would the members of this honourable committee for just once consider the abilities of the average Australian citizen to take on any Public Listed CTP Insurance company and their supposedly learned legal counsel who do not hesitate to use any legal device whatsoever including malfeasance to literally destroy the injured plaintiff and their grieving families on every level including financially and emotionally, simply as a good and proper family unit which is the bedrock of the Australian Nation – this is the way they manage and assess their "risk factor" that it amounts to Grand Theft from both the Australian Commonwealth and the plaintiff and their families and is more representative of Nazi thuggery and not in any way like the Australian Ethos of "a fair go for everybody", they couldn't give two hoots! As long as the cash keeps rolling in and the \$12 million salaries, perks and share option packages just keep going up.

I have taken this opportunity to enclose an excerpt from a book I once read, I hope this will assist you in your deliberations. (see Schedule "A")

Lastly, I would like to take this opportunity to extend my thanks and appreciation for the committee accepting my submission and I would be quite happy to attend an interview with the committee should they so desire at a time convenient to them because not only the matter of the Hornsby Police but other matters raised in this submission and further information that I possess which I feel would be compelling and give a real insight into the problems associated with the running of the present scheme from the claimants

perspective rather than the legal or the MAA or the CTP Insurance Companies perspective.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "P. B. Harrison", with a stylized flourish at the end.

Patrick B. Harrison.



Kuring Gai LAC

292 Pacific Hwy
Hornsby NSW 2077

Tel: 94769799 / 51799
Fax: 94769755 / 51755

Our Ref

Your Ref:

5th May, 2004

Mr Patrick Harrison

Dear Sir,

Re: Benjamin John Harrison – E14979781

I refer to your correspondence dated 30 April 2004.

In relation to each item can I please advise the following:

- (1) I have again caused the notebook entries of Boxsell, Evans, Neilson and others to be checked. I **have** located an entry in the notebook of Detective Senior Constable Neilson (attached). Other notebooks have been checked and there are no relevant entries contained therein.
- (2) No officers apart from Constable Griffiths have given statements in respect of this matter.
- (3) Please find the transcript attached.
- (4) ~~The only officers I am aware of that took statements in respect of this matter are:~~
 - ~~Constable Griffiths.~~
 - Senior Constable Marks (Mrs Slutzkin) – Hornsby Police Station.
 - Constable Nicole Hardy (Johanna Schutz) – now at the Metropolitan Robbery Unit – Ashfield.
 - Sen Con Glenda Crane (Thomas Ryan) – Hornsby Detectives.

I am unable to identify the witness signature on the statement of Gareth Edward Roberts.

- (5) The results of Mr Kay's breath test results are listed in the COPS event already provided. There was no blood analysis.

- ★
- (6) In respect of Mrs Slutzkin, I am informed the officer who took the statement (as indicated above) was Sen Con Marks of the Kuring gai LAC.
 - (7) In respect of interviewing police officers, I would not accede to a request to you interviewing them. I would agree to a legal practitioner acting on your behalf doing so. I would need a formal application from your solicitors, indicating they are acting on your behalf and seeking to speak to the police officers. Arrangements could then be made. Normally costs (time of police officers) would also need to be met, however because of the nature of this matter I would waive costs.

Yours faithfully



P Gallagher
Commander

5/5/04

F 284520



P.B.28

Issued to Peter Neilsen
Rank DSIC
Station or Branch Hornby
Date

Completed and Returned:-

7/3/02

Signature of Officer receiving Book [Signature]

Signature of Officer filing Book [Signature]

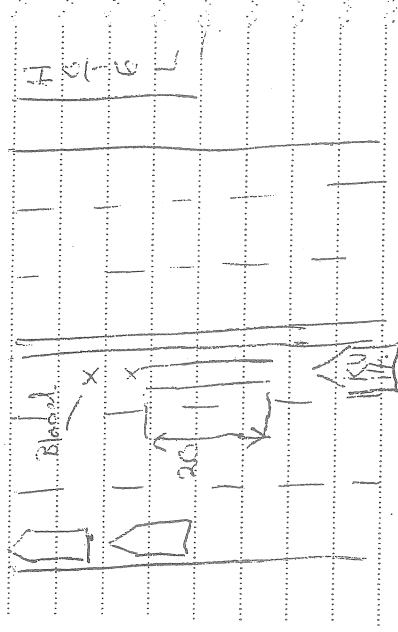
Date 5/4/02

NSW Police Service
CAT. 81265 (10-93)

FRANCIS MARIE MORRISON

30-10-01

Genes mva.
 Pacific Hwy, outside
 Rymer Hotel.
 South bend knee.
 Animal.



Male person conveyed
 to RNLI prior to
 attendance.
 Spoke to Coast
 Officer & Russell

stated that the Pedestrian was in group & left hotel & ran across road, & hit buy vehicle. (Pedestrian at fault. ATIS).
 DOI spoke to by phone. & SITREP conducted. Accident investigated & reported.
 Mick Breen (TV, spoke to & SITREP conducted. Advised that if Pedestrian is at fault & corroborated with witnesses then will not be charged. Further stated in relation to Crime Scene

to work-up will point & have Crime scene officer during daytime. Q to be asked to driver Re vehicle "Were there any mechanical problems with vehicle prior to collision. Did not advise to cease or abandon vehicle."

"SCHEDULE A"

I am also reminded of the Headmistress of a Boston High School who writes the following letter to her new teachers each year:-

"Dear Teacher,

I am the victim of a concentration camp. My eyes saw what no man should witness: gas chambers built by learned engineers; children poisoned by educated physicians; infants killed by trained nurses; women and babies shot and burned by high school and college graduates. So, I am suspicious of education. My request is: help your students become human. Your efforts must never produce learned monsters, skilled psychopaths, educated Eichmanns. Reading, writing and arithmetic are important only if they serve to make our children more human."

24 March 2004.

Mr Patrick B Harrison

Dear Sir,

Re: Further material supplied in respect of Freedom of Information application

Following our meeting on Monday 1 March 2004, I obtained from Constable Griffiths the original case file.

After reviewing that file and the documents you have supplied to me, I found seven (7) pages of documents not previously supplied to you. I have copied those documents and they are attached. All are handwritten.

In respect of your correspondence dated 17 March 2004, could I please advise the following:

- (1) Kuring Gai Local Area Command does not, to my knowledge, have any other documents relative to this matter.
- (2) I am informed the interview with Mrs Slutzkin was not carried out by ERISP, therefore there are no ERISP tapes or video tapes.
- (3) I have arranged for Kuring Gai Police to obtain copies of the records listed below:
 - Crime Scene Investigation Unit records.
 - Records of the mechanical inspection of vehicle MDW-349.
 - Records of the NSW Police Forensic Unit.Once these documents are received, copies will be made available to you.
- (4) The interview of the driver of vehicle MDW-349 was conducted by ERISP (cassette tape already supplied). This did include a video recording. I do not intend to provide a copy of the video recording as I believe the cassette tape (of the interview), already supplied to you is sufficient record.
- (5) The 'sketch' prepared by the driver of the vehicle, at the time of his interview, appears to be included in the seven documents attached to this letter.

Yours sincerely,



P Gallagher
Commander

040718280



NSW Legislative Assembly Notices of Motion for 18

November 2003.

179: Mr O'FARRELL to move—

That this House:

1. Notes the failure of the Minister for Police to reply to representations made on behalf of Mr Patrick Harrison in April and July seeking copies of documents relating to an accident on the Pacific Highway, Pymble, on 29 October 2001 that left Benjamin John Harrison calamitously injured.
2. Calls upon the Minister to expedite the provision of the requested information.

(Notice given 13 November 2003)

[Your feedback](#) [Legal notice](#)

Refer updates to LA Procedure Office on 9230 2440 or use the feedback link above.



Home » Hansard & Papers » Legislative Assembly » 22/09/2004 »

NSW Legislative Assembly Hansard (Proof)

MR BEN HARRISON

Page: 54

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [5.19 p.m.]: Tonight I raise an issue on behalf of a local constituent. This is probably the most serious issue that I have ever raised as a private member's statement over the past nine years. I raise this issue because of my failure to obtain information required by my constituents through the usual approaches to government. On the evening of 29 October 2001, on the Pacific Highway adjacent to the Pymble Hotel within my electorate, 20-year-old Ben Harrison was struck by a car. Earlier in the evening Ben had left his family home at Warrawee after dinner, picked up his girlfriend and went to the hotel to collect some keys from a friend. Ben had two drinks while at the hotel. While crossing the road with his girlfriend and two male friends Ben was hit by a car. There is a separate story to be told about when the police will do something to improve the state of safety in the underpass that might otherwise have been used. Ben suffered catastrophic injuries and was clinically dead when he arrived at the hospital. It took weeks before it became clear that Ben would survive the accident and his injuries. In all, Ben spent 10 weeks in intensive care. He suffered injuries to his brain and will require full-time care for the rest of his life.

No person should have to go through Ben's experience. Equally, no person should have to go through the experiences of Ben's parents, Patrick and Bonita Harrison, firstly, on the night of the accident and during its aftermath as their son's life hung in the balance; and, secondly, during their attempts to discover the cause of the accident. It is through the Harrisons' efforts to discover the cause of the accident that I came to learn of Ben's accident and the extraordinary obstacles being encountered by the Harrisons. The third anniversary of this accident will occur in five weeks. The significance of this anniversary is that it marks the end of the period during which legal action can be taken in relation to the accident. It is that impending deadline that causes me to raise these matters this evening.

For more than two years Ben's father, Patrick, has endeavoured to learn the facts of the accident. He has been met with obfuscation, obstacles and obloquy. What should have been a simple matter of seeking and being provided with information from NSW Police has proved the opposite. When Mr Harrison first came to see me in July 2002 he was frustrated at his inability to obtain from police something as simple as the details of the driver and car involved in the accident. Mr Harrison also had other concerns about the investigation of the accident. For instance, despite "alcohol" being listed as an associated factor on the incident report, Ben Harrison's blood test was negative. I think most reasonable members of the community would be concerned about these events.

From the moment Patrick Harrison started to inquire into the accident he became more and more concerned about the thoroughness—or lack thereof—of the investigation of the accident. As a result, Mr Harrison sought information to try to clear up those concerns. It seemed that the case might simply have been stereotyped as that of a careless, alcohol-affected pedestrian stepping out in front of a vehicle on a main road. Yet that stereotype did not fit with the recollections of witnesses present at the scene, the results of Ben's blood test or the extent of the injuries suffered. The results of an initial investigation report commissioned by Mr Harrison also suggested that, given police accident markings and skid marks at the site, the speed of the vehicle involved in the accident might have been a contributing factor. These are matters that are best decided in court, where evidence can be presented and tested. That is all Mr and Mrs Harrison want: Patrick Harrison told me today that he simply wants the truth revealed.

Yet that cannot happen if the Minister for Police refuses to act to provide the contact details of two of the police involved in the investigations into Ben's accident so that they can be interviewed for the court action. Detective Richard Layton and Probationary Constable Simon Boxsell either attended the scene or undertook investigations into the accident. Both have since left the force: Detective Layton left for what I understand were medical reasons and Probationary Constable Boxsell left apparently to join the defence forces. Despite repeated requests neither the Harrisons nor their legal advisers have been provided with the contact details of either man. In other circumstances such a lack of co-operation could be seen as obstruction of justice or an attempt to pervert the course of justice. It beggars belief that NSW Police would not have contact details for each person and it is a breach of public trust that, when confronted with a simple request, the Minister for Police would not ensure that the information was provided speedily to the Harrisons.

Mr Harrison's dealings with regard to this affair regrettably reveal all that is wrong with this Government: an absence of transparency, a lack of accountability and a failure to put the public interest ahead of sectional

interest. There are many matters in this affair that I may one day come back to in this House—photographs that were originally claimed not to exist that finally materialised, witnesses who recall providing statements that do not seem to have been recorded or kept, and files on the case that were not filed but kept in the personal possession of people who moved on to other roles in the police service. But this afternoon I have a simple request to make on behalf of Ben Harrison. I have a photograph of Ben before the accident and another of Ben during his 10 weeks in intensive care. On behalf of Ben Harrison, I ask the Minister for Police to provide the information requested so that the legal action that Ben is entitled to can proceed, so that the circumstances of the accident can be assessed, so that his future care can be determined, and most of all so that Ben, his family and his friends can get on with their lives.

Proof, NSW Legislative Assembly Hansard, 22 September 2004 (article 29)

[« Prior Article for this day | Next Article for this day » | Full Day Transcript](#)
[Legislative Council](#) [Legislative Assembly](#) [Members](#) [Joint Services](#)
[Home](#) [Hansard & Papers](#) [Committees](#) [Legislation](#) [Library](#) [Phonebook](#) [Admin Resources](#)

- [Speakers:](#)
[O'Farrell](#) [Mr Barry](#)
- [Speech Type:](#)
[PRIV](#); [Private Members Statements](#)
- [Printing Tips](#)
- [Print selected text](#)