

Submission
No 1

**NINTH REVIEW OF THE EXERCISE OF THE FUNCTIONS
OF THE
MOTOR ACCIDENTS AUTHORITY
AND THE
MOTOR ACCIDENTS COUNCIL**

Name: Mr Bruce Saunders
Date received: 28/04/2008

MR BRUCE SAUNDERS

22ND April 2008

The Director
Standing Committee on Law and Justice
Parliament House
Macquarie St Sydney 2000.

Dear Sir/ Madam,
Please find enclosed correspondence that I wish to be submitted to the Committee for their consideration.

Should the Committee require further details in relation to my submission I would consider it a pleasure to appear before them to answer any questions that may assist in the review moving forward.

Yours Thankfully

A handwritten signature in blue ink, appearing to read 'Bruce Saunders', with a stylized flourish at the end.

BRUCE SAUNDERS

MR BRUCE SAUNDERS

19TH APRIL 2008

Mr Greg Piper MP
Member for Lake Macquarie
92 Victory Parade
TORONTO N.S.W. 2283.

Dear Sir,

I write to you concerning my claim for compensation under the Motor Accidents Compensation Scheme and the methods employed by the Motor Accidents Authority, the Medical Assessment Scheme, the Insurance company and its legal representatives.

In May 2000 while employed as a bus driver with State Transit Authority I was involved in a serious motor accident in which a person was fatally injured. As a result of my involvement in this accident I was later diagnosed as suffering from Post Traumatic Stress Disorder.

I must stress to you at this stage that liability in regard to the accident was not an issue although to this day I feel a sense of guilt and sadness.

I eventually sought legal advice concerning a claim for compensation under the MAC act, as my mental health issues were not improving and my ability to work had diminished

As my application was outside the 3 years from the date of the accident my solicitor applied to the MAA for SPECIAL ASSESSMENT which is contained within the CLAIMS ASSESSMENT AND RESOLUTION SERVICE (CARS). This assessment took 11 MONTHS to be determined! I am still at a loss to understand why it took so long but I have a suspicion that the MAA was hoping I might go away. I have been told by a number of people that this prolonged waiting period is not unusual and they too believe it is a ploy to dishearten claimants so as to deter them from proceeding with their claims.

As part of the CARS process there were a number of phone conferences between a CARS Assessor, solicitors for the N.R.M.A. and my solicitor. During these conferences the insurance company solicitors demanded that the Assessor reverse the decision for my case to go ahead. He refused but seemed quite anxious afterwards. The insurance company solicitors then informed him that they would not accept any decision arising from my Assessment Hearing, should he find in my favour.

I saw these comments as contemptuous and a direct attempt to intimidate the Assessor and I feel they would not address a member of the Judiciary in that manner.

As required, I attended a psychiatric examination which was conducted under the Medical Assessment Service (MAS) which is another part of the CARS process and the doctor assessed in his report that I had an 8% impairment.

Under MAC act, you need a 10% impairment to be entitled to any award for pain and suffering. Despite 3 psychiatric evaluations that were submitted to him outlining my condition, he found, in his report, that he could not award me the 10%, BECAUSE I COULD READ A BOOK???

Why is it that less than 10% of claimants under the MAC scheme are awarded monies for pain and suffering. I believe it is because of the rigid constraints placed on all the various medical Assessors by the MAA.

Why is it that my rights of appeal are far more limited than those of the insurance company. I am only granted 1 appeal against the Assessors decision that comes from the Hearing, yet the insurance company can begin proceedings in a court of law if they so desire, at any time, to appeal a Hearing decision.

This is clearly set out in the MAC act.

Mr Piper, my claim was settled in late 2007 and I was awarded \$ 153,000.00 for past and future economic loss. Out of this figure I have paid \$ 42,000 in legal fees and had to reimburse Centrelink the sum of \$25,800.00. I received a cheque for \$83,000.00 as final payment and this money is supposed to last us to my retirement age of 65 years. I am now 56 years of age, I have no superannuation because I have been unable to work since 2002 and no superannuation was awarded to me by the Assessor.

I strongly believe that the Assessor limited the award to me as a direct result of being intimidated by the insurance company and its solicitors.

My mental health condition has not changed, my medication is still at full strength and my prospects of employment are zero.

I became involved in this through no fault of my own, I was simply driving a bus and doing my job and since the day of that accident my life has been twisted out of shape.

The N .R.M.A. in this case and many others, has denied the victims of Motor Accidents fair and reasonable compensation and they are given a free hand to do so by the MAA because of its heavy dependance on the insurance companies to keep the cost of CTP insurance down.

The Minister who oversees the MAA needs to face the fact that the victims of motor accidents are severely disadvantaged too.

I have made a number of submissions to THE STANDING COMMITTEE ON LAW AND JUSTICE, which is conducting its ninth review of CARS.

I look forward to appearing before the COMMITTEE in due course.

Mr Piper would you please forward this correspondence to the relevant Minister at your earliest convenience.

Yours Sincerely

BRUCE SAUNDERS