

Submission  
No 18

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

**Organisation:** Stacks/Goudkamp  
**Name:** Mr Tom Goudkamp  
**Position:** Accredited Specialist: Personal Injury Law  
**Telephone:**  
**Date Received:** 16/05/2006

---

**COPY**

**RECEIVED**

**16 MAY 2006**

**LAW & JUSTICE**

a member of  
**STACKS // THE LAW FIRM**

Level 6, 1 Castlereagh Street  
Sydney NSW 2000  
DX 144 Sydney NSW  
Telephone 02 9223 6155  
Facsimile 02 9223 6323  
www.tomgoudkamp.com

OUR REFERENCE: TJG/MEM/mid

YOUR REFERENCE:

10 May 2006

The Honourable Christine Robertson MLC  
Legislative Council  
Standing Committee on Law & Justice  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Dear M/s Robertson,

**INQUIRY INTO THE NEW SOUTH WALES COMPULSORY THIRD PARTY  
SCHEME**

We write to bring to your attention the CTP claim of our client  
, which we feel would be of benefit to you in your inquiry into the CTP  
scheme in New South Wales.

was 15 years old when she was a passenger in a bus that ran off  
the road near Albury on the 2nd May 2002. The driver, who had a history of  
epilepsy, had an epileptic fit at the wheel. The driver and 3 passengers were  
killed and a number of other passengers seriously injured. We act on behalf of 9  
of the passengers of the bus who suffered injuries as a result of the crash.

was in Year 10 at school at the time of the accident. She was a  
very bright young woman and she aspired to study Law after completing her  
Higher School Certificate.

suffered the following injuries in the accident:

- a) Traumatic brain damage resulting in a reduction in intellect, poor memory  
and difficulty with organisation and planning.
- b) Fracture of the right femur.
- c) Fracture of the right shoulder.
- d) Pelvic fractures including a fracture of the left pubic ramus and right  
acetabulum.

- e) Left eye haematoma.
- f) Severe scarring to the left arm, right wrist, buttocks, right eye and thigh.

was unconscious for 2 days after the accident. She was taken from the scene of the accident by ambulance to Albury Hospital and thereafter transferred to Canberra Hospital. She was in hospital for 3 weeks in total and underwent two operations while in hospital.

After returning home from hospital was required to spend 3 further weeks in bed and thereafter progressed to mobilising with a wheelchair and then crutches for another 3 weeks. She was not able to walk unaided until 4 months after the accident.

schooling was significantly disrupted as a result of the accident and her ongoing disabilities. She missed 3 months in total from school and thereafter returned to school for reduced hours each day. She had exemptions for her trial exams in Year 10 and required extra tutoring and significant concessions in order to complete her Higher School Certificate. She completed her Higher School Certificate, to her credit, in 2004 but did not obtain the result she would have expected to achieve if the accident had not occurred.

The CTP insurer would not concede she was over the 10% whole person impairment threshold and therefore qualify for compensation for pain and suffering. case was referred to the Medical Assessment Service for a determination of whole person impairment. She was assessed by in relation to the physical injuries and head injury and in relation to the scarring. is a Rehabilitation Specialist and in our submission ought not to have been appointed to assess the claimant's brain damage.

We enclose for your information a copy of the report and certificate of dated 3 March 2006. You will note | assesses whole person impairment in relation to the physical injury and brain injury at 3%. The doctor notes testing has revealed cognitive deficits and was also provided with a statutory declaration from mother in relation to the personality changes she has noticed in her daughter since the accident.

In relation to her significant scarring scored 3% whole person impairment.

We will apply for a review of the assessment and will keep you informed regarding the progress of this matter. We point out however that the application for review will be first assessed by an officer of the Motor Accidents Authority, and if a review is granted the matter will be referred back to the **original** MAS Assessor, , for review, which in our submission is wholly inappropriate.

As these assessments stand \_\_\_\_\_ will not be entitled to any compensation for pain and suffering despite her significant injuries and ongoing disabilities.

Unfortunately, it is just one example of the unfairness of the MAS system.

Yours faithfully,  
**STACKS/GOUDKAMP**



Tom Goudkamp

ACCREDITED SPECIALIST  
PERSONAL INJURY LAW