

**Submission
No 2**

INQUIRY INTO PERSONAL INJURY COMPENSATION LEGISLATION

Organisation:

Name: Mr Douglas Coleman

Telephone:

Date Received: 03/03/2005

Subject:

Summary

- 3 MAR 2005

RECEIVED

Dear members,
General Purpose Standing Committee No1.

THE FACTS.

This letter is to outline my experience following a MVA on the 7th, August 2001.

I was driving my car in Double Bay at approximately 8.30pm, accompanied by two passengers, when this accident took place. I was hit on the driver's side at considerable speed. The car, a Subaru Forrester G.T, did a 540degree spin, bouncing off a tree about 13-14 feet in the air. The car landed on it's roof progressing up the road doing 6-8 360degree turns. I was trapped in the car, upside down, finally being released from my seatbelt by the police. Once out of the car I was in shock and totally disorientated. I was taken to hospital, by ambulance, in a neck brace having sustained injuries to my cervical spine, thoracic spine, right hip and left knee. At the hospital a blood alcohol sample was taken which returned a reading of 0.04. I had informed the police at the accident site that I had consumed two bacardi and coke. The other vehicle was stolen, driving the wrong way down a oneway street with no headlights on--- I did not even see it. The police were in pursuit of the stolen vehicle with no siren on.

Liability was admitted by the NRMA—CTPTP-01/03563/01/A

At St. Vincents hospital X-Rays were carried out on my cervical/thoracic spine and sent home in a cervical brace in acute pain— X- Rays were reported previous degenerative changes. Treatment was in the hands of my local G.P At the time of the accident I had my own physiotherapy practice in Bondi Junction and had done so for 23years- Eastern Suburbs physiotherapy and Sports Therapy

Initially treatment consisted of medications for pain and rest. I was not able to return to work. The pain , particularly in my cervical and thoracic spine, did not subside. At times the pain was unbearable and I was restricted to my house. Eventually I was referred to a Neurosurgeon, Dr. Tim Steele. Once in his care many other tests were carried out. From a Bone Scan acute hot spots were highlighted at C2/3 on the right side and C3/4 on the left side of my cervical spine, these are the same as micro fractures into these joints. He carried out injections into these joints on several occasions. There was only short term relief. I tried to resume my normal working duties in a reduced capacity but this lead to acute exacerbations of pain. Dr. Steele recommended I see a pain clinic. About the same time I saw Dr. Elliott for the NRMA. He also suggested I attend a pain clinic. Upon returning to the GP he suggested I attend the Prince of Wales pain clinic. This was in early 2002.

From this point the NRMA set about a myriad of examinations, delays and clinical errors which resulted in me having no treatment, except Physiotherapy and medications, until DECEMBER2003. I was taking major painkillers, antidepressants, anti-inflammatories and sleeping pills. This in turn led to stomach problems which required more medication. Because of my pain and mental state I was unable to work and closed my practice in April,2003. I had re-mortgaged my

house to keep my business going so I could return to work once my pain had subsided following treatment. This was all in vain. The NRMA was aware of my plight, but had made no offer of assistance.

Treatment continued under Dr. Mathew Crawford. On the 1st, April 2004 I went into liquidation. Subsequently the NRMA did help me meeting my mortgage repayments in the hope of saving my house. The final straw the NRMA refused to make a payment to the Trustee of my bankruptcy and now I have lost my house.

During this whole ordeal my mother was living with me. She is presently 84 years old. Around July, 2004 she went blind in her (L) eye. In October, 2004 she sustained a fall fracturing her (L) hip. In November, 2004 I was evicted from my house, while my mother was in hospital and the NRMA refusing to make any payments.

I could not endure any more psychological torture at the hands of the NRMA and settled my case in February.

OPINIONS.

“ When you take out insurance you think you are covered”

The MAA have no control over the actions of Insurance companies. Within the NRMA insurance company there is a well managed culture of delaying all aspects of a CTP claim. This will lead to serious complications (suicide, revenge action) by an innocent claimant—I know because both these actions have entered my head on many occasions.

The SYSTEM is not working for innocent victims.

RECOMMENDATIONS.

- 1. The MAA must have more power in regard to the way insurance companies handle CTP claims for INNOCENT victims.**
- 2. Doctors doing assessments for Insurance companies or solicitors working for insurance companies must be independent. ie Royal North Shore pain clinic receive funding from the NRMA.**
- 3. Innocent victims should come out of any accident not losing all as I have. Maybe the appointment of a financial administrator by the insurance company to be totally aware of each individuals unique circumstances.**
- 4. There be independent medical people to review each case in the Acute phase and make recommendations. Regular follow ups so that clerical people are not making decisions about what is required--- treatments or medications. Example—the solicitor for the insurance company refusing to pay for Cialis saying why should they be concerned with my erectile problems. The reason for my problem is as a direct result of taking anti-depressants for long periods, particularly Aropax.**

There is a great deal more information I could provide and would like to be interviewed if you require.

**Please take needed action,
Douglas Coleman.**