

## **Inquiry into claims made through the Transport Accident Commission (TAC)**



You

### **"Traumatised Witness Investigated after girl struck by a car on Doncaster Street dies".**

#### **BACKGROUND**

On Wednesday, 28 November 2018, at 6.35 pm, a seven-year-old girl and her older sister were standing at the side of the road, unsupervised, at the lower section of Victoria Street from Ruffey Lake Park in Melbourne's East.

On this day, I was on my way home from work, when my life changed forever.

All of a sudden, a young girl ran onto Victoria Street, colliding with a vehicle ahead of me. The child's body was thrown metres into the air and landed almost in the same spot she was previously standing. Her sister was still standing in the same spot.

Three cars stopped including myself. I called 000, then went to render assistance. The young girl was not moving. The older girl was shaking her sister and crying out "wake up, wake up".

I explained that we needed to call her mother, and in spite of her reluctance to leave her sister, I was able to get her to the back seat of another car and tried to calm her. I then rang her mother.

Later that evening I spoke with a policeman who informed me that the girls (7 and 9 yo) were walking home from the park, but had run ahead of their grandfather – who arrived several minutes after the accident.

Once home I vomited. and had a poor night's sleep. Having rung the hospital several times – I could not find out her status due to not being next-of-kin. I vomited several more times, hearing over and over the awful sound of the girl bouncing off the car. The following day her death was reported in the Herald Sun. The nightmares followed, and I became dysfunctional in my position as a senior executive with the Department of Health and Human Services. Depression and self-harm followed. This was later diagnosed as severe PTSD (Post Traumatic Stress Syndrome).

The policeman had advised me to seek counselling. I contacted Road Trauma Support Services (now Amber Community). I was advised to get legal advice and make a claim for Impairment.

***\*FURTHER SPECIFIC DETAILS AND DOCUMENTATION CAN BE SUPPLIED UPON REQUEST\*.***

## **ISSUES RELATED TO MY TAC CLAIM**

- TAC accepted my claim on 5 December 2018 via a telephone conference with my then lawyer, Slater & Gordon.  
I was later taken to court (2020) by TAC, claiming I was committing Fraud, for which I was found innocent.  
In 2024, I was told "My claim was for a Mental Health Claim", implying not a TAC claim. "Apply for NDIS".
- In the seven years since the accident, I have had 9 Claims Managers—all of whom had to be briefed, which took an average of 4 weeks.
- I was encouraged to upload documents via the TAC App. In conversations with my Claims Manager, the paperwork was not received, although I had copies of the upload confirmation.
- When requesting information regarding finances on my account, I was told I had to FOI, which not only took longer, but in some instances had a monetary cost, and FOI information was very limited.
- After receiving an FOI Financial statement for my claim, I noted double payments, payments to providers whom I had not worked with, and additional payments to providers whom I had stopped working with. Once brought to TAC's attention, they re-sent me another "corrected" statement, which still had many inconsistencies.
- TAC would not pay for any medication that was required and requested by medical professionals if the client had previously used that medication, even if it was for something completely unrelated to the reason it was now required.
- A response of TAC FOI requests was not always provided. I am still waiting on one from 27 February 2024.
- Although I received an email from the TAC in recent weeks to say I had a new Claims Manager and they would be in contact, I have only heard from the TAC legal department about an outstanding VCAT case that dates back to 2019 and an additional one they added in 2022.

- TAC have not paid for any medication since February 2020, although TAC Psychologist/health professionals have prescribed them. Payment is mainly by myself or the Centerlink Disability Pension.
- There has been no consistency in support. TAC psychiatrists have recommended specific treatment since 2019, but the TAC has declined to engage in the recommendations.
- A TAC Legal representative advised me to "seek my doctor to provide a Mental Health Plan (which I have), for future Psychological or health issues which stem from the road traffic accident.
- I am - post trauma - now on a Disability Pension via Centrelink. A TAC Client Manger advised me to apply for NDIS. I have been rejected by NDIS on three occasions, all stating different reasons for support.
- The TAC reported that I was "self-sufficient" only several months after the accident, to look for work myself. They twisted my words. The TAC only met with my employer at the time once.
- The TAC wrote to my solicitor, Slater and Gordon, in November 2020 to advise that they were going to investigate my compensation claim. There was several actions the TAC could have taken regarding Fraudulent claims; however, it appears they assumed I was guilty, so they didn't pursue their own processes.
- My solicitor advised me that this was a normal procedure and that no response needed to be provided to the TAC.
- The TAC investigation indicated that I "MAY HAVE" committed offences contrary to the Transport Accident Act 1986 and lodged a Charge-sheet and Summons under Form 3, Rule 13(c) with the Magistrates Court Criminal Procedure Rules 2019. They alleged over 25 charges. After 2.5 years of court appearances and lawyer costs, one charge without a conviction was issued. The magistrate noted that people of my stature were not people he saw, and wished me well with my mental health recovery.
- As part of that charge, I had to write a letter to TAC apologising for my actions, which I did reluctantly, as I did nothing wrong. I was also to keep my Mental Health Plan with my doctor up to date, which was done.
- I had notified TAC and my solicitor that I had returned to work 2 days a week, but on a contract basis (don't go, don't get paid). I lasted three weeks in that job, and TAC and my solicitor were aware of this, as I informed them.

- TAC stopped my payments in February 2020. I had to apply for Disability Pension which took 6 mths in which I had to rely on my children for financial support. (documentation has already been provided for this)
- On 25 November 2024, at the Ringwood Magistrates Court, the one remaining charge was dismissed under Section 76 of the Sentencing Act.
- My reputation was affected by the allegations.
- The TAC did not write an apology letter to me regarding the allegations of fraud not founded.
- After the request for a review, the outcome from the Independent TAC Panel Member was never supplied and had to be FOI if required.
- The TAC Strategy and Purpose do not reflect their actions as stated above.
- Constant time delays regarding review of decisions, or response to questions, due to "Organisational Changes"
- No assistance with obtaining professional support, which was approved by the TAC and when a provider was found, the process and time response from the TAC to confirm approval had repercussions around the availability of professional. This led to major gaps in service, and I went several times without support for months/years.
- The "Fee Gap" is unrealistic for someone on a pension or a minimal income. When I recently raised the issue, one of the 4 services, "Fee Gap", was reduced.
- It took over 5 months to obtain my records from my solicitor at the time, Slater and Gordon, who refused to represent me in the fraud case.
- The TAC paid for Physical Injuries (minimal) in the early stages. Last year (2025) TAC decided my claim was only a "Mental Health Claim". This was contradictory to all my professional advice. No evidence was provided, simply a suggestion I apply for NDIS.
- Due to the number of Claims Managers, there was no consistent communication and when I would call it would go to voicemail as a majority of Claims Managers worked part-time.
- In 2022, feeling depressed and suicidal, I contacted my psychiatrist, who rang TAC and insisted I be approved for the Melbourne Clinic (hospital). TAC approved ECT treatment, though later would not pay for the anaesthetist, saying that they had only approved ECT (not anaesthetist), which is a compulsory aspect of the treatment. TAC also withdrew financial support for my two weeks in hospital. TAC then did an internal review, without notifying me, just after I had come out of

the hospital. They made a decision not to support my psychology / psychiatric needs, claiming my PTSD was not accident-related. This is currently with VCAT.

- TAC documentation received by me has stated that "I am difficult, don't accept decisions or rejection.
- I have received documentation that belongs to other TAC clients, which contains personal information. This has happened on several occasions.
- On one occasion, I told a TAC Client Manager that "I was suicidal and that the TAC were making it worse and that I felt they thought it would be easier if I were dead". She told me she would get a TAC social worker to contact me, who did so several days later. She left a message on my phone, and I never heard from her again (I did return her call).
- TAC failed to consistently monitor and review treatments and services to ensure they were effectively supporting my recovery goals (never established), and manage my injury.
- The TAC stated they will assist in transport to obtain documentation, when they demanded I attend Donvale to see a psychiatrist. They declined to approve transport costs and I could not attend the first session. The accident was close to my home, so I rarely left home as this was a trigger. After missing the appointment, I was bedridden for several days on medication due to the stress and anxiety.
- Although I had an Impairment payout of 15%, which the majority went to the lawyers, I was told that I was not eligible for a Serious Injury / Common Law Claim as the person at fault was the child who was killed in the accident. I was advised I could sue the family. They were not Australian citizens, and I had no details.
- A barrister for Slater and Gordon advised he would not take the case as it was "controversial, having a child as the person at fault"
- On 7 February 2022, the TAC decided to deny funding for exercise physiologists, nutritionists, and home help support, which had been recommended by several psychologists dating back to 2019. On 28 May 2024, the TAC made a determination to deny funding for further psychiatric and psychological treatment, including medication. There was no real reason behind either of these TAC determinations; they were internal reviews, and all psychological evidence which supported the opposite was ignored.
- As of today, I still have not had any of the above services, as stated, some dating back to 2019.

- In the same Deed, the TAC agreed to various quantities of the above services at the TAC rate; however, all services had to be undertaken within 3 years. The deed stipulated that I would hereby Release and Forever Discharge the TAC from any further liability whatsoever to the services.
- PTSD does not have a timeframe. It is not a mental illness; it is a brain injury. I refused to sign the deed, requesting that a clause be put in the deed that, after 3 years, the TAC would have a psychologist reevaluate my position and report to the TAC if further treatment is required or not. The TAC rejected this claim and we are still at VCAT over this situation.
- The other issue around the provision of services was the large gap between the service providers' cost and the TAC rate.
- Under the serious Injury / Common Law claim, to be eligible you must meet two conditions **1)** someone else is at fault **2)** legal definition of a serious injury at a % of 30% or higher. The first Psychiatric impairment assessment, which was done by a TAC psychiatrist was just 11 months after the accident, and his prognosis was classified as mixed. He then conducted a psychiatric impairment reassessment via video link 12 months later where he again confirming his expert opinion as "the claimant's prognosis remains mixed", The TAC offered a n Impairment Claim at 15% which was accepted at the solicitor's advice. As I was not yet stable, I requested a reassessment. My Psychiatrist later advised that this was premature and I still needed monitoring.
- TAC documentation is not 100% correct. ie: the claim form asked if there were additional witnesses. My lawyer responded with 3, however the TAC paperwork states none.

#### **OTHER:**

- Diagnosed with PTSD from the accident as stated by several psychologists (TAC employed).
- Previously, I was a highly paid senior public servant with a promising future, a marriage of 30+ years, mother of two young privately schooled boys, Vice president of the Junior Donvale Football Club, President of the RAMS Basketball Association and a woman who was socially hosting functions and taking trips overseas with my family
- After the accident, I hardly left my room. I lost my ability to maintain the house and my own personal hygiene, showering around once every three weeks.

- Nightmares of the accident had me go without sleep for days. I lost all interest in cooking and eating.
- I attempted suicide three times
- Was hospitalised at The Melbourne Clinic for 6 weeks due to mental health issues.
- I am a 52-year-old woman who is now separated from my husband, as he cannot handle the PTSD and other Mental Health Issues.  
I do not, nor have I ever had, a criminal record.
- The last 7 years, I have lived a totally Isolated life in my bedroom, as there are so many triggers that lead back to the accident when I have to leave the house.
- I cannot watch the News as it is a trigger.
- The TAC treated me like a criminal and therefore would not support any services to help my mental health.
- I am unable to work, have had to move into a shared home arrangement.
- Due to my injuries, the TAC agreed to pay income support. In most cases, they paid 80% of my weekly gross income with a maximum of \$1,350.00 per week. To help me right away with my daily expenses, the TAC agreed to pay a one-off interim payment of \$2,030 for 6 December 2018 to 19 December 2018. This was based on information received when the claim was lodged. On a Disability pension, I receive \$1,300.00 per fortnight, compared to my previous earnings of approx. \$3,800 per fortnight (after tax).
- As I had no access to a computer, printer or scanner, all documentation was done at the local library which took time and caused delays in responding.
- The TAC would verbally confirm a matter with me, however when it didn't eventuate, and I followed up in writing or verbally, it was treated as a new request.

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