

SUBMISSION TO INQUIRY INTO TAC

My name is Michael Tesseyman and I had a shock trauma claim with TAC after witnessing my wife and 4 year old son being hit and pinned to a wall of a Bunnings Warehouse by a car driven by an elderly driver on the 25th February 2013. After the immediate period following all the emergency surgeries, hospital admissions, rehabilitation, home visits by nurses performing wound care and outpatient appointments I went to my GP to talk and was recommended to seek counselling for PTSD. I received psychological care by several psychologists and psychiatric treatment from a psychiatrist who prescribed anti depressants for my PTSD and shock Trauma.

I had only small engagements with TAC in regards to my claim and felt little human connection with my case managers. I had a negative experience during my Wife's Common Law claim. Soon after that was my common law Claim with TAC and we took the first offer just to get it over and done and not have to deal with TAC even though the offer was insulting. My wife and I were exhausted and still clearly traumatised by the accident and TAC's processes. At this time I was also being treated for PTSD and I could not deal with TAC any more.

In the aftermath of my wife Tammie and son Gus's transport accident they received emergency surgeries, many rehabilitation treatments and medical care and support from surgeons, doctors, nurses, social workers, physiotherapists and other health professionals. These early weeks and months we felt supported and had mainly positive experiences with the Health System. During my son's first week in hospital a senior nurse approached me with a note with the number of a lawyer. The nurse encouraged me to engage with transport accident lawyers straight away as TAC were not easy to deal with and TAC's processes are difficult to navigate. I contacted the Lawyer and we got their firm to represent us. I have witnessed Tammie and Gus apply for treatments and receiving limited sessions to outright rejections only to go through appeal processes which cause recovery delay, deterioration of injury, mental stress and dismay which effects the whole family.

We have had to get our Legal Representation to contact TAC many times in order to get approval for Treatments and services needed for the recovery and ongoing care for Tammie and Gus. We have also had to reach out to the media to put pressure on TAC to make a decision about equipment Tammie needed to walk. They had delayed this decision for months. Tammie wasn't able to walk outside the property or drive at this time. This experience has left me mentally drained and stressed

almost to point where giving up is an easier option rather than pursuing TAC for treatment and services for Tammie and Gus. We have gone times without treatment because it was too much to deal with.

The effects on our younger son Bram have been heavy. Bram was 2 weeks away from turning 3 when he witnessed his Mum and older brother being hit and crushed by a car. He experienced the trauma of that day, seeing their injuries and hearing the screams, panic and chaos. He was separated from us that day and suffered with ongoing separation anxiety in the aftermath clinging to my leg for weeks. I couldn't even leave him with family because he was too distressed. Bram was not entitled to any claim for pain and suffering. He has endured this experience with our family. Everything from watching wound changes, adapting to his mum and brothers injuries and physical disabilities short term and long term.. He was robbed of his mothers ability to run, chase, play and engage as she previously had. Bram has suffered from having to deal with the effects of parents and a brother with PTSD dealing with TAC for the last 13 years.

My experience from witnessing Tammie and Gus's common law claim process has been challenging, re traumatising and overwhelming. Having assessments by independent medical examiners isn't therapeutic by any means, having to tell the story of the accident and injuries over and over again is traumatising in itself and the bedside manner of some of the specialists was less than to be desired. Some IME's come across as blunt and un-empathetic leaving you drained emotionally and dreading the next assessment. The IME's assessments can trigger your PTSD and set you back from gains you have made both physically and mentally.

Next up you are having conferences with TAC and your Lawyers where TAC is a faceless entity and you as a claimant have your whole life exposed and feel very vulnerable. Without the legal nuances and carrying PTSD around, TAC have set up a process where legal representation is essential when going through a common law claim. Being in a state of trauma it is hard to make a concise decision and you have to hopefully trust the TAC and your lawyer have your best interests at heart. From my experience the TAC have their best interests for themselves.

TAC used every possible way to reduce the amount they paid my wife and I for compensation for loss of earning capacity and pain and suffering. Our circumstances before the crash was running a business but our business had been severely interrupted 11 months after beginning because it was

destroyed in the Black Saturday fires. We weren't able to get permanent premises to restart the business until 12 months before the crash and had to start from scratch in a new town. TAC used our lower earning at this time to say that we would never have been able to earn more and offer my wife and I less for our capacity. We could not deal with this process forever fighting with them. So we gave up. We signed the disgusting amount they offered us which included pain and suffering too. After all we had been through I was offered a tiny amount for my claim and expected to be thankful for it. We paid out of our own pocket for me to re-skilled in a new field and after a couple of years I was able to work again. My wife has never been able to work again.

TAC does not feel like a service for Victorians. It feels like you have to justify your claim constantly through time sapping appointment with GP's, IME's and medical review panels. We just want to be able to trust our doctors. It's a process where you have to keep going over the accident again and again and leaves you in a constant state of trauma when the idea should be for healing and helping you function again.

With clients like my wife and son its an undefined relationship with TAC that feels like the longer it goes on the more you feel isolated and TAC just want you to go away. TAC needs to stop being a corporate entity and get back to being a support system and public resource for the victorian community.

I acknowledge TAC has to protect their employees from the trauma associated with clients but it feels like the systems of employee protection come at a cost to empathy and connection with someone who has a lot of power over your recovery. There is a massive power imbalance between the TAC and the traumatised client.

RECOMMENDATIONS:

- For dealing with IME's I recommend a system of recording the clients story for all the IME's to watch so the client doesn't have to go through the traumatic experience time and time again which we have experienced and seen the negative effects of.
- It would be helpful if TAC had an introduction to TAC guide sent to us all which can outline what can be expected from them in the acute early stages of your accident claim. It should be worded simply because we are too traumatised to understand everything all at once.

- TAC should then initiate contact to show support and offer services. It would be helpful for complex cases like ours to have access to an independent social worker outside of TAC to help with advocacy, co-ordination of services and to access all the help you need through your recovery. This should be available for families at any time when things change in the future. As children grow after injury more things come up that you need help to manage.
- During the long journey of recovery it is important for TAC to be seen. Either by phone contact, Email or video conference. TAC's rapport with its clients should be characterised by mutual trust, understanding and empathy, allowing for easy affective communication. TAC should understand traumatised people.
- An investigation into the best way to make the system fair for clients should happened and recommendations followed.