

T R A N S C R I P T

LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into Claims made through the Transport Accident Commission (TAC)

Melbourne – Tuesday 9 June 2026

MEMBERS

Joe McCracken – Chair

Michael Galea – Deputy Chair

Ryan Batchelor

Anasina Gray-Barberio

Renee Heath

Ann-Marie Hermans

Rachel Payne

Lee Tarlamis

WITNESSES

Bernard Robertson; and

Jill Craig.

The CHAIR: Welcome back to the next session of the Legal and Social Issues Committee. I am Joe McCracken, Chair of the inquiry, and we are going to go through and introduce our members. I will go to my left and my right.

David LIMBRICK: I am David Limbrick, Member for South-Eastern Metropolitan Region.

Ann-Marie HERMANS: I am Ann-Marie Hermans. I am also a Member for the South-Eastern Metropolitan Region.

Michael GALEA: Michael Galea, Member for the South-Eastern Metropolitan Region too, and I am the Deputy Chair.

The CHAIR: And we have also got two online.

Anasina GRAY-BARBERIO: Hello. Anasina Gray-Barberio, Northern Metro. And I believe Mr Tarlamis is also here with us.

Lee TARLAMIS: Yes. Lee Tarlamis, Member for South-Eastern Metropolitan Region.

The CHAIR: Perfect. Thank you so much for that. All evidence taken is protected by parliamentary privilege as provided by the *Constitution Act 1975* and further subject to the provisions of the Legislative Council standing orders. Therefore the information that you provide during the hearing is protected by law. You are protected against any action for what you say during the hearing, but if you go elsewhere and repeat the same things, those comments may not necessarily be protected by that privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

All evidence is being recorded. You will be provided with a proof version of the transcript. Ultimately that transcript will be made public and will be put on the committee's website.

Just for the Hansard record, are you able to say your name? And I am assuming you are appearing on behalf of yourself, but if there are any organisations you are appearing on behalf of.

Bernard ROBERTSON: My name is Bernard Robertson. I am appearing on behalf of myself and my wife Michelle Robertson.

The CHAIR: All right. Perfect. I will hand it over to you now. I understand you have got a slide show there, so, Bernard, the floor is yours. Welcome, and thanks very much for coming along today. And Jill, thanks for being here as well.

Jill CRAIG: That is all right. Thank you.

Bernard ROBERTSON: No worries. Thank you, Chair.

Visual presentation.

Bernard ROBERTSON: If I may, I just want to read an opening statement about our situation. It is under the heading 'A daughter's legacy and a call for change'.

Thank you for the opportunity to speak today. We are here before you to share a heartfelt story of love, loss and courage and a system that has not kept pace with the realities of modern families. It is a story of a remarkable woman, our daughter [REDACTED] who made a brave and deeply personal choice. [REDACTED] decided to become a mother through IVF without a partner. Instead of waiting for someone else to fulfil her dreams, she embraced motherhood on her own and brought into the world a beautiful daughter, [REDACTED], who became the very centre of her life and ours.

██████ was a devoted mother. Every decision she made, every sacrifice she accepted was for her beloved ██████. Like many parents, she worked tirelessly to create a safe, loving future for her child. Then, in an instant, everything changed. ██████ was tragically killed in a motor vehicle accident on 16 October 2024. A life filled with love was suddenly gone. A daughter lost her mother. Our family was shattered by grief, left to navigate the path of profound sadness, and left behind was little ██████ just five years old, trying to understand why her mother would never come home. The pain of our loss was beyond words. There are no words that can truly capture the heartbreak of little ██████ losing her mother, who loved, protected and cherished her every single day.

We grappled with our grief. Another devastating reality emerged. We found that the support provided through the Victorian Transport Accident Commission did not recognise ██████ the same way it would have if she was in a relationship. Had ██████ died leaving a spouse or a partner, significant financial support would have been available to help ██████. But because she chose to be a parent on her own, the support for ██████ and our family was remarkably different, and that disparity is heartbreaking. The value of a parent's life should not depend on whether they were married, partnered, single, divorced, widowed or a sole parent through IVF. A child's loss is just as profound because their parent is single, and a family's grief is no less deepened because there is no surviving partner.

No child's future should be jeopardised because legislation was crafted in a different era. Today families come in many forms: single parents, blended families, grandparents raising grandchildren, same-sex partners, adoptive families and parents who have used IVF or donor conception. Our laws now recognise and respect all these family types without discrimination. When the TAC financial support is reduced after the death of a single parent by choice, it can create an unfair burden that can have devastating consequences for the children left behind. Families already burdened with grief can be pushed into despair and financial hardship, sometimes threatening the stability and the security of the very children the system aims to protect. No child should face an uncertain future because of how they were born. No family should have to make life-altering decisions under undue pressure knowing that the support varies depending on the mother's relationship status.

Our purpose here is not to seek special treatment for single parents. It is about ensuring fair treatment for all. It is about guaranteeing that every child who loses a parent in a transport accident is valued equally under the law. It is about recognising that families have changed and our legislation must evolve with them. Most importantly, it is about honouring ██████'s memory. She simply wanted her daughter to be treated just like any other child, regardless of her mother's decision to be a single parent by choice. ██████'s greatest legacy is ██████ a beautiful girl who has brightened the world. But I know she would also be saying, 'Dad, the system isn't fair. Please challenge it so that we can change it to ensure that all families are treated with fairness, that vulnerable children are protected and that no child is left at a disadvantage because their parent chooses to become a parent.' As a family, we seek a comprehensive review of the TAC benefits – one that is fair, non-discriminatory and flexible enough to account for individual circumstances, ensuring the best possible future for all dependent children. For her daughter, for every child, for every family, it is time for change.

The CHAIR: Thanks so much for that. Are you happy to take questions?

Bernard ROBERTSON: Yes.

The CHAIR: As I said, if there is anything you need to do in the meantime, if you get emotional, that is all cool by me. I am just looking at your photos there and I can understand how you must be feeling. It is awful what has happened. I guess my first question is: how did you find out? What was the process that led to the classification? I had a look at your evidence here. It is a weekly payment of \$225. But under other circumstances, with the other partner, if that was considered, it would be, what, \$1620? That is a huge difference.

Bernard ROBERTSON: A huge disparity.

The CHAIR: Can you just outline the process?

Bernard ROBERTSON: Yes. If we are able to scroll through, I think it is on the PowerPoint. If you go to the next slide, it is under the category 'When a family member dies' that the TAC send out. Basically there are two categories. There is either with a partner or without a partner – a legal partner. How we found out is we initially had the stuff sent out through TAC. We were also dealing with Maurice Blackburn, and they said to us,

‘This is the situation. You’d be entitled to up to 80 per cent of what [REDACTED] was earning.’ [REDACTED] was a nurse and was working at the time, so it would be up to 80 per cent of her income, because that is what it says. Then they came back to us two days later, after talking to the TAC, and said she did not fall into the category of having a partner.

The CHAIR: So it was through the lawyers that you engaged with the TAC. It was not a direct phone call or that sort of thing?

Bernard ROBERTSON: No. It was back through them. They said, ‘You’re only eligible for the –’ It is either one or the other. Either you get the dependent child or you get the one with the partner family support. They said, ‘You fall into the other category.’ That is how we found out.

The CHAIR: And you got that in writing, I assume?

Bernard ROBERTSON: Well, we have not got that in writing as such in the sense that the TAC are only paying us for the dependent child.

The CHAIR: But I mean you got the advice to say that it was going to be –

Bernard ROBERTSON: Yes.

The CHAIR: Are you happy to provide us with a copy of that?

Bernard ROBERTSON: That came through Maurice Blackburn. It was an email.

The CHAIR: That is okay. It would just be good to have it as evidence so we can have a look at it – not now but when you have a chance to later. All right. Thank you for that. A lot of the evidence we have heard today so far is about the difficulty in dealing with the system. It may not be deliberately, but it is designed in a way that it sort of wears you down so you get tired and you do not want to go any further and you feel as though, ‘What’s the point?’ Is that something that you have felt and experienced, Bernard, yourself?

Bernard ROBERTSON: Yes. From [REDACTED] passing on 16 October until today all I have done is fight systems. I have had to fight. This time last year police were involved because I threatened to take my own life.

The CHAIR: I am so sorry to hear that. That is awful.

Bernard ROBERTSON: I threatened to take my own life because of everything that we have been dealing with.

The CHAIR: And that is the impact that it has had on you.

Bernard ROBERTSON: I spent 11 days at hospital, diagnosed with severe depression and post-traumatic syndrome. I have been off work for six months. You will see through that PowerPoint presentation it has had an enormous impact on my wife and me. We are now forced to sell our house because of the financial burden. [REDACTED] lived with us in our house with [REDACTED]. We were her partner. We helped fund bringing [REDACTED] into the world. She could not afford to do it herself. It was a joint decision. We renovated our house. We created a zone within the house so [REDACTED] could have her own living room, her own bedroom, her own ensuite and walk-in robe. We did that as a family to support [REDACTED] and [REDACTED]. We were co-dependent on them. They were co-dependent on us financially. When [REDACTED] had to work we would look after [REDACTED]. We were the other partner – to not be recognised under a black-and-white system.

One of [REDACTED]’s greatest legacies: she has inspired so many other women to go down a similar path. The sonographer from when [REDACTED] was going through the pregnancy came and spoke to us after [REDACTED] was born and has gone down a very similar path to [REDACTED]. She has three children now and is a single mum by choice. Under the current system she would get the same. We have spoken to her and said, ‘What would it mean if something happened to you in a car accident?’ It would be identical to us. Her grandparents would most likely raise the children. They would be entitled to what is roughly about \$700 a week. It goes nowhere near it. They are not entitled to the lump sum money. That is held in trust. It just creates so much financial pressure. For us, we are selling our house, a house that I have lived in and renovated for 33 years. We specifically designed it around [REDACTED] and [REDACTED] and Michelle and me living together.

We need that money now because, one, I am 59; my wife is 58. We are not far from retiring, but we are now having to raise [REDACTED]. It is around \$30,000 to \$40,000 a year that we are now going to have to pull out of our superannuation. My financial adviser told me that – I have worked in local government my whole life, in the public service, defined benefits – I was going to retire being comfortable. It is now the situation where I am going to have to work another three years as a direct result of us losing [REDACTED] through the accident and having [REDACTED] come across to us. My wife has had to retire from work, so we went from having three incomes in the family to one. We have lost [REDACTED]'s. Michelle had to retire because of little [REDACTED]. She is the most beautiful child you will ever meet in this world, but she has autism and she has ADHD. We had to make the right decision for her. Michelle tried to work, and school drop-offs – too hard. The trauma [REDACTED] is going through – too hard. So Michelle has retired, so we have dropped about 70K there.

The CHAIR: That is a huge impact.

Bernard ROBERTSON: It has just been crippling.

The CHAIR: I am going to pass on to Mr Galea, who has got some questions now. Thank you for sharing that.

Michael GALEA: Thank you, Chair. Thank you, Mr Robertson. I know nothing I can say can change it, but I really appreciate you showing the courage to come and speak to us today. It is significantly helpful to our inquiry. The advice you received in relation to – actually, no, I am going to start somewhere else. In your submission you talk about how you have gone to the Federal Court. Without asking you to divulge too much into your circumstances, has that all been resolved? Are you now the legal guardians of [REDACTED]?

Bernard ROBERTSON: Yes. When [REDACTED] died she did not leave a will, so the question was around who is going to raise [REDACTED] because there is no father. Who is going to raise her? Naturally, because [REDACTED] and [REDACTED] were living with us, Michelle and I were like, 'Logically, you would think it's us.' But I have two other boys who are a lot younger, and there was debate around whether they could be in a position to raise. But again, once we looked at the whole financial dependency thing it just took them out of the equation. We recognised that we needed to get [REDACTED] in under us legally. We could not go anywhere until we had her in under us, which is another story in itself. We engaged family lawyers to get into the Family Court – circuit. We were lucky – well, we were not lucky. We had the right lawyer on board, who said, 'We can get you in as an urgent case for the courts,' on the basis that we were spinning. We could not enrol [REDACTED] into school because no-one was taking enrolments because we were not guardians. We could not get birth certificates. We could not deal with Centrelink. We could deal with no government department at all because the question was: who is the legal guardian? Well, there is no legal guardian. From 16 December to when we got to the Federal Court and had the ruling made, [REDACTED] sat in that time as a child with no legal guardian at all. Now, I do not understand how that can happen, how some child can sit in the state of Victoria and have no legal guardianship at all, whether it either be the state or an appointed guardian. But that is a question for others to answer. There was not a knock on the door, a phone call – nothing from anyone to inquire about [REDACTED] about her welfare. [REDACTED] died in a car accident as a single parent and left behind a child. There was not one inquiry as to the welfare of that child.

The only person who spoke to me was the coroner, who said, 'I will make you the next of kin in relation to dealing with [REDACTED]'s autopsy and stuff.' There was nothing. So we have had to negotiate the whole system and challenge it. When I talk about fight, I fought every bloody department there was.

Michael GALEA: I am terribly sorry to cut you off there, Mr Robertson. The question I am driving at is that it is now resolved. I understand that you are the legal guardians.

Bernard ROBERTSON: We are the legal guardians because we got the court order.

Michael GALEA: That is very good for us to hear too, and I would have definitely noted that. But the issue in terms of the disparity between payments currently is not an issue of whether you are the legal guardian or not, because you are. It is an issue of the *Transport Accident Act* – it does not cover it.

Bernard ROBERTSON: Exactly right.

Michael GALEA: Thank you. That is what I wanted to double-check.

The CHAIR: Mrs Hermans.

Ann-Marie HERMANS: Bernard, I just want to start, first of all, on behalf of all of us, by extending to you our deepest sympathy for your very recent loss. It is not that long ago since you lost your daughter, and we are very, very sorry. It is very brave of you to come to an inquiry like this after losing your daughter in such tragic circumstances and so unexpectedly. That is, first of all, what I wanted to say. I am looking at this, and you are raising a number of issues that are probably going to extend beyond the TAC inquiry –

Bernard ROBERTSON: Yes, I understand that.

Ann-Marie HERMANS: because they are to do with guardianship issues and grandparents funding et cetera. They are all very valid points. I have been aware of these, in doing investigations on these myself, in terms of who the child was technically under in that period of time. They are all huge things that we will not be able to deal with, I do not think, enough in a TAC inquiry, but we really appreciate you raising them. I think that they are certainly things that we need to look at. Under the legislation there are obviously some holes. Your granddaughter, and no doubt the passing of your daughter, have opened up those and exposed those. In terms of your dealings with the TAC, you have not personally contacted them at all. Is that because there was no way for you to do that because it was to do with your daughter? What was the thinking behind that?

Bernard ROBERTSON: After we read what the TAC sent out, it was pretty black and white that [REDACTED] did not have a legal partner. We were given a case manager. As I said, we spoke with Maurice Blackburn, who communicated with TAC, and they were told the same. So when we have our legal people speak to their legal people and they come back and go, ‘Bah-bow,’ it is pretty black and white. We have had no ability to challenge it or anything like that – you know, the Act is the Act. Our hands are tied, and that is part of the reason we are even speaking here today because we do not believe it should be so black and white. Yes, it has been frustrating.

Further to that, our frustrations extend to the State Trustees. The lump sum of money was put for [REDACTED] into State Trustees, which is locked away until she is 18. We tried to get funding through State Trustees for them to release some money for us to buy another car. Michelle’s car was valued at \$350 to trade in. We needed to buy another car. It was going to get sent to the wreckers. [REDACTED]’s car was lost in the accident. We wanted to fund half of a new car ourselves and half from the State Trustees. The ability to try and get some money stems back to the TAC. There are two categories: you can get extra money if the child has a disability to fund another car or you need another seat. Well, [REDACTED] did not fall under those categories.

Ann-Marie HERMANS: Sorry to interrupt you. So her diagnosis for autism and ADHD was after the accident?

Bernard ROBERTSON: After the accident, yes. We submitted – and I have all the emails here – a very detailed submission to State Trustees as to why we needed a new car, and urgently, and they came back and said it does not fall under the category. But I will give you an example. This is how bloody crazy the system is. If Michelle had driven a Ferrari worth \$250,000 and had two front seats in it and no back seat, we would have been eligible to get funding for a new car because she is an additional person that the car could not support. But we could not get money to fund a new car, even though Michelle’s car, which is a Ford Focus, which was literally driven into the ground, was going to be the main vehicle to transport [REDACTED]. One back door does not work, so if the car got T-boned on the other side, [REDACTED] would be trapped in the back seat of the car. We could not get funding to replace that car. The nonsense that has gone on is just unbelievable.

Ann-Marie HERMANS: My time is up. But in terms of your car, just quickly, what year was that car that you could not get the funding for? Was it anything to do with the year, or did they give you a make or model?

Bernard ROBERTSON: No, it was just simply the computer said no, it did not fall into that category. I am more than happy to produce the emails back from State Trustees and the submission we put towards them.

Ann-Marie HERMANS: Thank you. Just for my benefit, what was that car? What was it? What was the one that you had that you were not able to –

Bernard ROBERTSON: A Ford Focus.

Ann-Marie HERMANS: A Ford Focus. All right. Thank you. Sorry, my time is up. Sorry for going over time.

The CHAIR: Thank you. Mr Limbrick.

David LIMBRICK: Firstly, Bernard, my sincere condolences to you and your wife over your loss. I mean, I cannot imagine the pain that you have been through, but I would say [REDACTED] seems very lucky that she has loving grandparents that are looking after her, and I am sure that is a blessing for her.

When I proposed this inquiry, this type of situation was not something that was brought to my attention by people that had had problems with the TAC, so I thank you very much for bringing this to the attention of the committee, because this does not look like an administrative issue. Correct me if I am wrong: this looks like an oversight in the legislation itself that we need to fix. Is your suggestion here that this committee should recommend to change this situation so that single mothers, or single parents, in situations similar to what your daughter was in are catered for equally? Is that what you are asking this committee to do?

Bernard ROBERTSON: Yes.

David LIMBRICK: Okay.

Bernard ROBERTSON: That is what we are advocating for.

David LIMBRICK: I think that seems very clear to the committee, and I think that seems like a very reasonable thing for you to request in your situation. I do feel this is one of those things – I have seen lots of legislation go through Parliament where they do not think of all the scenarios. Real life, when it comes up against the law – sometimes the law does not accommodate the reality. It sounds like this is a clear case of that, where in other situations you would have been entitled to different benefits from the scheme. Because of [REDACTED]'s particular situation, she was not covered and did not fall within one of these categories. I just think that this seems like a very reasonable thing for you to request, and I look forward to seeing what the committee actually comes up with as a recommendation on this issue. Thank you very much for bringing this to the attention of the committee, and I hope that your efforts might help other people in the future in this same sort of situation.

Bernard ROBERTSON: Thank you.

The CHAIR: We will now go to Mr Tarlamis, I think, who is online.

Lee TARLAMIS: I do not have any questions, but I just want to thank you for coming along and talking to us today in what are very difficult circumstances. I thank you for sharing with the inquiry. I do not have any questions.

The CHAIR: Thank you. I will hand over to Ms Gray-Barberio, who is also online. Over to you, Anasina.

Anasina GRAY-BARBERIO: Thank you very much, Chair. And thank you so much, Mr Robertson, for appearing before the committee today. You have my warmest wishes and prayers, given the tragedy that you and your family have had to endure. How wonderful it is to see your granddaughter through the pictures and your presentation. It looks like she is absolutely flourishing under your love and care.

I want to firstly understand a bit better about the legal partner aspect. You went to family court. You were assigned legally as [REDACTED]'s legal guardians. You went back to the TAC, and the TAC did not accept you as a legal partner despite you being [REDACTED]'s legal guardians. Is that correct?

Bernard ROBERTSON: No. We have not been back to TAC after being appointed [REDACTED]'s legal guardians, the reason being that when you read what it actually says, it just does not allow for that. There is no flexibility within what the TAC are saying. That comes even from Maurice Blackburn, who have been working for us. They have been across this right from the get-go, and even they have said there is no recourse, based on what the TAC are saying within their Act, for us to revisit that.

Anasina GRAY-BARBERIO: Thank you for that. Following on from Mr Limbrick's line of inquiry around the Act not recognising what a contemporary family looks like, it is not your usual nuclear 2.5 children

composition of what a family looks like. But you should also not suffer or be disadvantaged because [REDACTED] made that decision on her own that she would like to be a single parent. You said in one of your answers to one of the committee members that you were given a case manager for your case. What for? What are they doing for you?

Bernard ROBERTSON: Well, basically it was the initial set-up of, I suppose, the process, the administrative side – bank account detail for the weekly money to be put into, communication of the money being sent through to the State Trustees. That was probably the initial couple of weeks after the accident, and it was really just about dealing with that process. But other than that, that is it. Every fortnight we get about a \$450 deposit into our bank account, and that is it. We do not hear boo from State Trustees. I am not even going to bother dealing with them after my last – it is just nonsense.

Anasina GRAY-BARBERIO: On top of that figure, has [REDACTED] been eligible for any education allowances?

Bernard ROBERTSON: Yes. So under the dependent child she is eligible for around about \$3500 for her school fees. I will flag that if the school fees are greater than that, we can access some money from State Trustees to pay anything above that. But the rules around being able to access the money – that lump sum amount of money – are so stringent we have not even bothered. Even if we have had an overrun, we have not even bothered dealing with the State Trustees after our last dealings with them. We have just paid it out of our own pocket.

Anasina GRAY-BARBERIO: I think I just heard the bell there. My time is finished, but are there any other final comments before my time is completely over?

Bernard ROBERTSON: I think you are getting the gist of where we are at as a family and what we are screaming about. This is not about Michelle and me. It is about the children, it is about [REDACTED] and it is about all the women who go through society making this choice being as vulnerable as what [REDACTED] was and our family is. As Maurice Blackburn and I think the TAC said, this is the first time they have actually seen this. Well, the sad reality is a lot of women are choosing to go down the path of being single mothers by choice. It is only a matter of time where this is going to arise again. I plead with the people who can make the decisions: come up with a fairer system. We do not know what that is, but I would suggest it is getting the right people in the room to look at this collectively, to come up with a solution.

Anasina GRAY-BARBERIO: Thank you so much, Mr Robertson. Thank you, Chair.

The CHAIR: Thank you, Ms Gray-Barberio. I am going to hand over to Ms Watt for a few questions. Sheena, over to you.

Sheena WATT: Thank you so much for your submission and also for coming in today. I do not know where to start, but frankly people having children solo by choice has been happening for a little while now and this is just one of the cases of the law needing to catch up. You mentioned that you have engaged some legal professionals to assist you. Was it Maurice Blackburn you said? The fact is that what you have said today is actually enormously helpful for us in this inquiry. I personally am very much interested in this case and wonder if there is some more information, perhaps from your dealings with your lawyers or others, that you would be able to provide. Some of the words that you said about how it is case closed, there is nothing to be done, there is no review mechanism to me say: hold up; there is a chance for a review on that – a chance for that to be perhaps part of our recommendations from this inquiry. Can I just ask if that is something you would be interested in providing us, if that is all right?

Bernard ROBERTSON: For sure.

Sheena WATT: It does not have to be now. The team will reach out to you and understand that. But it is just that you actually had some very good points there about your conversations with your legal professionals that have showed us that there are in fact some legislative challenges that are very pointed in your case that I think perhaps have applicability across the whole scheme and not just to your family that perhaps we could consider, if that is all right.

Bernard ROBERTSON: My current solicitor that I am dealing with at the moment is just about to go on maternity leave herself. But I do have some emails I can more than happily forward through to the committee.

Sheena WATT: You know what, I think that that would be very helpful, if that is all right, Chair, to see if we could perhaps consider that as part of our recommendations to this particular inquiry before us today.

I do not have other questions but will just say that I spent Saturday at the truck drivers memorial up in Alexandra. I have lost a cousin on the road and know actually the very intimate challenges of going through this. So to you I convey my deepest and most sincere condolences, and know that our work here is something that we all take enormously seriously. Thank you so much for sharing but also for being with us today.

The CHAIR: Well, that rounds out the end of the questions, but we have got a couple of minutes left. Are there any last final messages you would like to convey to us?

Jill CRAIG: I have got a comment.

The CHAIR: Jill.

Jill CRAIG: I have stood beside them. I am a family friend. I knew [REDACTED] since she was born and her family before that, and so we have seen the family grow up and what they have been through. And Bernard is exactly right: he has had to fight every department. If he wants a bit of paper, he has to fight to get it. He has had to fight for the same thing from three different departments. It is not all TAC related, but his fight for the last 18 months or whatever has been every day, and it has really encapsulated their time, their effort, their sleep, everything else.

Just to put it into perspective, he received a letter – it has got nothing much to do with today – regarding [REDACTED]'s superannuation. Now, I believe it was just a hit of the button to send the letter out. This was after she had passed away. It was addressed to [REDACTED] and wished her well in her future. I just thought: that is just so sad, that with all that Bernard and Michelle have dealt with then this letter arrives addressed to [REDACTED] about her superannuation. That just sums up why his mental state, with everything else that they have had to deal with – and [REDACTED] is so lucky to have them. She is a lovely, lovely girl and luckily she can come on board with them, and they are trying to make it work for her so that she is not missing out. So the rules need to have a bit of flexibility in the walls. That is pretty much the case.

The CHAIR: I think Jill and Bernard made the point too, realising that families are different.

Jill CRAIG: Families are different. It cannot be black and white. It has got to be case by case, with a flexible wall to have a look at. None of this 'The computer says no. End of story.' That is the biggest thing.

The CHAIR: Thanks so much for sharing your story. I can see it has been really emotional. I felt it as much as everyone else here did, and I could see it in your own face, Bernard; it was hard. Thanks for putting all the effort into the slideshow. The photos are beautiful, and your granddaughter is a lovely young girl. She is very lucky to have you. Jill, thanks to you as well today. We really appreciate it.

Bernard ROBERTSON: I will just flag one other thing I did not put there which I neglected to. It falls outside this inquiry, but I am assuming you are going to pick up on some of this. Part of the issue for us dealing with this was the fact that [REDACTED] did not leave a will. When you go down the path of having IVF – [REDACTED] had been a nurse and she was so committed to it; she filled out every bit of paperwork – at no point through the IVF process did it say, 'Do you have a legally binding will, and who do you nominate as a guardian?' We believe as a family that that needs to be picked up through the law as well – that if you are going to go down this path and not have a partner, you need to make a legally binding will that gives some guidance as to what your wishes are. We think it would also help in taking this matter forward. Through the IVF process it is just a simple one line. They have got to tick every box. They have got to have all the psychological testing and all that to go down that path. The last bit should be 'You must have a legally binding will.'

Ann-Marie HERMANS: Very reasonable.

The CHAIR: That makes perfect sense. Thank you again.

Ann-Marie HERMANS: Excuse me. I just do want to say, too, I think that you have raised a number of issues that will down the track hopefully help a number of other grandparents in the future, because that is certainly something that has to be revisited. You have raised so many issues that cannot be dealt with just in the TAC, but we really do appreciate you bringing them forward to our attention.

Bernard ROBERTSON: Thank you very much for the opportunity to speak today.

The CHAIR: Thanks very much. We will close off this session now. Thank you for your time.

Witnesses withdrew.