

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

WITNESS

Darryl Cardona.

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

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

Ann-Marie HERMANS: Hi. Ann-Marie Hermans, Member for South-Eastern Metropolitan Region.

Michael GALEA: Michael Galea, Member for South-East Metropolitan Region.

Sheena WATT: Hi. I am Sheena Watt, Member for Northern Metropolitan Region.

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

Anasina GRAY-BARBERIO: Hello. Anasina Gray-Barberio, Northern Metro.

The CHAIR: Thanks, guys. 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 say the same thing, those comments may not be protected by that same 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 once the hearings are completed, and that transcript, once you have had a chance to look through it, will ultimately be made public and put on the committee's website.

Just for the Hansard record, are you able to say your full name and the organisation, if any, that you are appearing on behalf of, please?

Darryl CARDONA: My name is Darryl Cardona, and I am representing myself as a victim of a car crash.

The CHAIR: No worries, Darryl. Thanks so much. I appreciate you coming in today to give evidence. I know you have got a PowerPoint there to go through as well, so I will hand over to you. The floor is yours. Welcome, and thanks very much for coming along today.

Darryl CARDONA: Thank you for the opportunity today and for everyone being here. Let us hope that we can make some good improvements.

Visual presentation.

Darryl CARDONA: If we just go to the photos for the crash to start off with, please. This was my crash. A car came through a 'Give way' sign and hit me side on. We rolled 3½ times, and we wrapped ourselves around a pole. My head hit the windscreen – the airbag did not go off there. The thing that was keeping the roof up was my head, so I sustained a brain injury, a spinal injury. I sustained right injury, down there, where the car had hit me side on. I am partially paralysed below my waist.

I have had some good experiences with the TAC, and I have had some shocking experiences with the TAC. I suppose where I am going to come from today is the cost, and the cost really to the consumer out there, to me, is horrific. If I just look at the costs, the medical–legal costs – and I want to highlight the word 'medical–legal costs', as in when they have an independent medical examiner examine you and then on top of that the legal costs between me and the TAC – they now far exceed \$500,000. \$500,000 is good when you have a look at it. They have probably paid out up to about \$1.3 million in operation costs and on top of that the bulk sum settlement. So even on, say, a worst-case scenario, 1 in 4 dollars is not going to the patient; 1 in 4 dollars is going to have independent medical examiners have a look, having a look at that, and lawyers fighting the fight.

Something that the next slide will show – I just want to show some ways of improving things.

McKinsey & Company, which I have done some research on, out of America operate on what is called delay, deny, defend. The more you delay, the more you deny, the more you defend, the longer it takes to resolve something. I have had cases where I have put objections in that have taken three years or four years to resolve over stupid items. One of the stupid items that I am going to raise – and I am going to throw a little bit of humour in this one – is I had some oral surgery. The jaw did not heal correctly, so part of my tongue had to be removed so it did not really rub up against it. There was an extra \$110.34 charged. The lawyers said, 'Bring it on. Let's bring this on. This is going to be a good experience.' My favourite one, because I reckon the TAC on this one would have loved my entire tongue to be cut out so I could not repeat this story, is they sent a letter off to the surgeon and they asked the question, 'Why was an extra \$110.34 spent?' The surgeon, for writing out that letter, was paid \$750 plus GST – \$825 to justify an extra \$110.34. Where is the money being spent? So we went to mediation. Mediation – out the door. We had to go to VCAT, and the VCAT guy wet himself laughing once he realised their defence was, 'You paid him \$825 for a letter of an opinion, and you don't want to pay him \$110.34?' This is what we go on.

Have a look at the flooring dispute that I had. Waist-down I have got continence issues. I leak. It is not good. I do not want to wear things, especially around the house. It went onto the carpet, and it caused black mould. This dispute went on for 3½ years. They agreed to pay in part. I agreed to pay in part because what I wanted to do was just put flooring in like the rest of the house. So it was going to be a bit more expensive, but I had no problems paying out of my own pocket. So I had a good conversation with my claims manager. I had made a mistake in my submission. His offer was approximately \$5931. In my submission I have actually put \$7931.

What did we settle for? \$5973, which was \$42 more than the original verbal offer that my claims manager said. My claims manager was overridden by his team leader to put that offer through, because it was above \$5000 and above his remit, so he had to withdraw the verbal offer. On went the legal dispute. In the meantime I was sleeping with black mould on the carpet throughout my house. My house smelt like a sewage farm. It had blood, it had guts, you name it – the old TV commercial: blood and guts off the rod. The process took over three years to complete: \$14,000 on legals between my legals and their legals, because they decided they were going to outsource the legals because they were running behind. To settle for an extra \$42, \$14,000 in legal costs – bang, got it. Why? I have got a current dispute going on. I was speaking to my lawyer last week. It is going to go on for at least 18 to 24 months. We are 12 months into it at the moment, but the estimation is another six to 12 months before we resolve it.

If we can go to the next slide, which brings up, in part, the occupational therapist that came to my house. TAC refused to actually have my own choice of occupational therapist, the one that I have been using for over 10 years. However, she came along armed regarding the flooring dispute. She spoke about the flooring dispute and said, 'Would you accept an offer from the TAC of between \$5000 and \$5500?' And I said, 'You're not allowed to speak about this. It's currently before the courts.' She goes, 'I can do what I want.' That is what really threw me. Also going through there, because this was about at-home services, she stated to me that TAC should clean the entire house. TAC does not pay what the NDIS pay. TAC have not increased their fees to a level worthwhile for at-home services to be comparative, and that is why it is hard to get people. OTs generally last 15 years in the job. She raised the example of her friend at St Vincent's Hospital that keeps on changing every two years. We spoke about cleaning my pool. Now, I am being a bit edgy here regarding this because it is currently before a VCAT situation, but where it concerns me is a report where she said she had spoken to my medical practitioners, my pain psych and my GP, none of whom actually spoke to her. She put that wrongly on the report.

She also said I had two daughters, one of whom I do not know about. I have been asking the TAC, I have been asking her, and they are standing by her on that decision. I want to know whether I have got another daughter. I could have been quite – when I was a teenager. I really do not know. But do you know the amount of stress that this causes my family and my children? I separated. I have divorced from my wife. She is asking the questions: 'Where is this extra daughter? Did you cheat on me whilst you were married?' TAC will not withdraw that comment. Apparently they have got the evidence, and they are not telling me about this extra child. She did not describe the house in this item. What concerned me the most was when this was being organised, [REDACTED] who was the team leader who had organised it, said, because I said I need mine – sorry if I have gone too long.

The CHAIR: It is fine.

Darryl CARDONA: I was told the result at the end of it – ‘This is what’s going to happen’ – before even booking the occupational therapist. So swing around 360 degrees, can I just make one point out of this, and that is: I cannot report her to AHPRA, the regulatory authority, because it is a legal–medical. She is immune from it, just like parliamentary privilege.

If we can quickly run through the other slides, because I really do not want this to be legalistic. It is interesting: they do not report; they do not read my file. I got nibbled on Thursday from [REDACTED] from the TAC, which really concerned me because I was not going to arrive today, because I know they have had five instances where they have picked on me since my submission was made public.

If we can go to the next slide: these are some of the things that they have done. Colchicine processed: 30 tablets instead of 60 – could be a keying error. Osteomol processed: incorrect item number. That was one thing. This is just short payment of accounts. No chemist in my region will want to have TAC accounts. They set their own rules based on policy, not legislation. A recent operation I had in hospital – I had to pay up-front because there was an issue between the hospital and the accounts department. Providers need a quote before you get surgery done. My recent surgery – I was \$800 out of pocket. I did not know until after the surgery.

Next slide. Since the paper has been released on the internet, I have had short payments, which I found out was a keying error, allegedly, even though I had to go back twice. Short payment of the operation, \$800; non-payment of specialist visit on the MBS based on 14.34 – I have got a copy here of what they said. I actually went back and made the inquiry with Medicare. Medicare had never, ever heard of such nonsense, right? So they overturned it, because I said they should speak to each other to sort it out. They are organising another medico-legal specialist to come out and visit. I have no idea who she is, but why? I am still waiting to find out who. And the communication from [REDACTED] on Thursday was uncalled for. She quoted directly from my submission, and to me, if this was a court case – I am trying to think of the terminology, but you are not allowed to speak to witnesses before it. But here she was trying to get me. I just think that was rubbish.

The next slide, please. Constant theme, right? People do not want to talk to us – virtually none. Neurosurgeons: none will take on new TAC clients. I rang around 15. Psych: the pain psych said to me they recently had a meeting with 30 psychs. None will take on new TAC clients. Gastroenterology, eight; orthopaedic surgeon, same thing. Claims people do not read the file to make informed decisions. My GP clinic policy now is to pay up-front, as do a lot of other people. All cite the issue is with the TAC paperwork, short payments, ongoing requests for information. It is easier to manage a private patient than a TAC victim, right – just claim for Medicare; claim for private health insurance. The requests and RFIs are really horrific from a medical point of view.

On the next slide: I just grabbed that yesterday. I think it was 18, 19. There was 500 legal reviews up to last year. We are at about 2200. There is a theme going up, with the only little one there over a COVID year.

On the next slide: why do we need lawyers? I would hope we could eliminate lawyers – like \$500,000. Lawyers only engage when there is a dispute. If there is no dispute, we would not need lawyers. Every time I look at TV commercials by Maurice Blackburn, who are my lawyers, or Slater and Gordon, you just go: why? Because they make good money out of it. They do not want this to stop. There has got to be a better way of doing it. We do not need so many from the legal fraternity in this to manage everything. One in four dollars – that is just ridiculous.

Next slide, please. I always say that I am a TAC victim now. I am not a victim of a car crash, I am a victim of the TAC. My identity, purpose, financial foundation were taken out of me because of this bloody car crash. I have lost life. I have lost dignity. I have lost my family unit. I was divorced because of this car crash. Yes, there were other factors, but you do not want to live in a house that smells like pee and poo all the time, right? It is just not fair. The isolation is bad.

On the next slide, please. TAC operates on policy, not legislation. I have done nine legal challenges and I have won nine. I am onto my 10th challenge, and once this 10th challenge is done, I will be onto my 11th. The TAC medical panel, we found out through discovery – the interpretation of ‘panel’ to me is more than one person – quite often is one person. Why? And the approval process – we have got extensive processes, paperwork, price quotations. I am happy to use their own medical people, right? I have asked that because I cannot find certain ones. They say, ‘No, it’s your responsibility to find one, but you’ve got to find it under this price’ – but we

cannot find one, because we have got to look for them on the internet and we cannot go through it. But on the other hand, [REDACTED] who is the team leader, was allowed to organise the occupational therapist at his choice, not mine.

The next one is my statement to the panel. I just cannot read this, so I am going to have to bring this up on my phone.

The CHAIR: We will be able to see the slides afterwards anyway. So do not worry. It will not be lost.

Darryl CARDONA: We need to work out how to weed out the fraudulent claims. I was told it was cheaper to have had me killed in the car crash by a TAC claims person. The independence of IMEs – I have already explained that. It would be better if we used what are called JMEs, joint medical examiners – one from our side, one from their side. They are already doing that with some of the bulk settlements. As we have previously heard, there is a shift of people from TAC onto the NDIS and Centrelink disability support pensions. There needs to be a better way. I just wish that one of those better ways would be instead of having all these legal disputes, let us have a time limit set on it. Three months, right? And it might not involve the legal people, but just sitting around here, their side, our side. Let us try and sort something out. Let us not spend 1 in 4 dollars on all this process. Over to you guys. Sorry.

The CHAIR: No worries. Thank you very much. We will just go through questions. I will fire off. I was just shocked to hear that you had actually received contact from – was it [REDACTED] did you say?

Darryl CARDONA: [REDACTED]

The CHAIR: What is her role? Is she your case manager?

Darryl CARDONA: No, it was on the letter – team leader – and I emailed that through on Thursday night.

The CHAIR: What is her role in relation to you, though? What does she do? She is a team leader, did you say?

Darryl CARDONA: I have no idea what she does.

The CHAIR: Is she part of the TAC?

Darryl CARDONA: Yes.

The CHAIR: And she contacted you saying that she had read your submission?

Darryl CARDONA: She had read my submission pertaining to the air conditioning, because my body temperature will fluctuate up and down. There are times in summer where I need to wear jumpers, and there are times in winter where I can be in shorts and a shirt.

The CHAIR: So she is what, an employee of the TAC?

Darryl CARDONA: An employee of the TAC.

The CHAIR: Or a contractor?

Darryl CARDONA: Employee of the TAC. I had asked for air conditioning back in 2022 throughout the house to regulate in the main rooms to help me move that temperature around.

The CHAIR: And you think that she was trying to intimidate you.

Darryl CARDONA: Absolutely. No doubt about it. Why else did she send it? And I am horrified that prior to this she got the information and the letter directly quoted my submission to here, where it states in these documents –

The CHAIR: Are you able to provide those to us so we can have a look at them?

Darryl CARDONA: Yes. It was provided last Thursday.

The CHAIR: Sorry. You said that there are five instances of you being picked on.

Darryl CARDONA: Yes.

The CHAIR: What were they?

Darryl CARDONA: So they were the other ones that I had there up on the slide regarding \$800 out of pocket, getting a new independent legal-medico examination. I do not know what that person is yet. I have just been told by my lawyer that I am having a new person, and I said, who, what, where, why? They said, 'We don't know yet. We are waiting on the TAC to provide that information.' I said, 'Are they allowed to do it?' Yes, they can.

The CHAIR: It just seems – I do not know; I am still trying to process how it could happen.

Darryl CARDONA: I think I have got a big red cross from them for submitting what I have submitted.

The CHAIR: Do you feel like you are being targeted unfairly?

Darryl CARDONA: I have got no doubt about that.

The CHAIR: Because you are appearing before the inquiry?

Darryl CARDONA: Yes. The other times I have done something has been either doing something through media or making a joke of their TAC Facebook ads when they did not monitor them over the weekends.

The CHAIR: We have heard from some people today saying that they have received quick turnaround times on approvals and those sorts of things because they have essentially become a problem. Your experience sounds like it is the opposite.

Darryl CARDONA: It is the opposite, yes.

The CHAIR: Whereas because you are a problem, you have been – these are my words – blacklisted.

Darryl CARDONA: Yes. Another good example is the car hit me side-on to the shoulder, right side. They would not pay for my shoulder surgery because, according to their determination, when I was hit on the driver's side door, it should have been my left shoulder. That was another court case, and that went on about two and a half years. When it went to VCAT, the VCAT guy said, 'Hang on, driver's side? What's the story?'

The CHAIR: Sorry, Darryl, my time is up, and I am going to pass over to Mr Galea.

Darryl CARDONA: Sorry, I have stolen time off you.

The CHAIR: No, please do not worry. It is fine. I appreciate your evidence. Mr Galea.

Michael GALEA: Thank you, Chair. Thank you, Mr Cardona. I will just start with the medical panel process. You touched on that a little bit. Can you please talk to me a little bit more? You said you spoke in support of the joint medical examinations but against the independent medical examinations. Could you flesh that out for me a bit?

Darryl CARDONA: Yes. So when I went through my bulk settlement claim, it was independent medical assessors only. We picked one on our side, the TAC picked one on their side. They have started trialling what they call a 'joint medical assessment', where we pick one, they pick one, they get together and they have got to write the report and agree. That is it, and both of them have got to agree on it.

Michael GALEA: And have you been through a JME process yet?

Darryl CARDONA: No. In any dispute that goes on at the moment, what we would have to do, their IME has a look at it and then we get our IME. So at the moment they pay for two anyway. Why not just put them together, speak about it and resolve it?

Michael GALEA: I see. So you are saying that is something that is possible but is not currently possible – you have got to go through the two separate IMEs.

Darryl CARDONA: Yes. I cannot do it now, but on their website they do say that that is coming through, and they are doing that on their bulk claim litigants at the moment. They are not doing it based on assessments that are going on as we speak.

Michael GALEA: It has not been broadened out to everyone.

Darryl CARDONA: Yes. That is right.

Michael GALEA: Okay. What sort of difference would that make to you if you were able to go through a JME as opposed to an IME?

Darryl CARDONA: It would be unbiased, because as I found out directly from [REDACTED] who was the team leader – he told me what the outcome was going to be even before the occupational therapist came out to check my home services. There was no coincidence there. If we could grab a recording of that phone conversation, I think everyone in here would be shocked and horrified. But he told me what the outcome was going to be, and that is what happened. It took her three months to do the report. I believe it may have gone backwards and forwards a couple of times to be fine-tuned. But I just wish I could complain to AHPRA, but AHPRA say no because – I do not know whether I told you, but the conversation was recorded, it was videoed – the difference between the report and what was videoed is two completely different conversations.

Michael GALEA: Okay. Thank you. What do you think the best way forward for the TAC to handle longer term clients would be? What specific process do you see in place – is there a particular point in the process where you think you see that is the issue, that is where it starts, and everything else has gone from there?

Darryl CARDONA: Excellent question, because I have [REDACTED], who is my claims manager at the moment. I love him to death – a great guy. Something that he said is that with the bulk claim settlement, where there was over \$180,000 spent on legals and medicos and independent reports, he cannot access those to make decisions. They have then got to go out and actually get new reports. So if you could just capture all of that that has already been spent and move it across, and then if we disagree, just sit around a table and try and resolve it that way.

Michael GALEA: My time is up. Thank you.

The CHAIR: Mrs Hermans, over to you.

Ann-Marie HERMANS: Thank you very much, Darryl, for coming in. You have shared some very personal and very difficult things with us quite candidly, which is very helpful. To help me, 2010 was when you had the accident?

Darryl CARDONA: Correct.

Ann-Marie HERMANS: You have not worked since then. Is that correct?

Darryl CARDONA: I did go back to work part time. I was –

Ann-Marie HERMANS: What was work for you?

Darryl CARDONA: I was general manager and chief operating officer of a reasonably large dairy company. It is not a part-time job. No disrespect to you guys, but it is like saying to you guys that your jobs are part-time jobs. It is 24 hours a day, seven days a week. You eat it, you sleep it. You do everything like that. My job was just gone.

Ann-Marie HERMANS: So you were not working in the farming, but you were the recipient in charge of the milk coming in each day?

Darryl CARDONA: Milk coming in, selling milk to the manufacturers, selling the cheese and the milk powders to all the manufacturers – what you eat in your food today, what you drink in the milk cartons, yoghurt, ice cream.

Ann-Marie HERMANS: So it required you to drive as well?

Darryl CARDONA: It required me to drive as well. I could not do any of that after the crash. I was paid a very high wage. When they send you off to one of those people to test your work eligibility, they said I would not be able to work again. I did not want to accept that answer, by the way.

Ann-Marie HERMANS: Was that immediately – not long after – the accident?

Darryl CARDONA: That was about three years after the crash and part of the bulk settlement claim. They said I would never be able to work again. I proved them wrong.

Ann-Marie HERMANS: So you have worked part time – you are?

Darryl CARDONA: I am doing a desk job, and whilst it is tedious, it keeps the brain busy. It just keeps the brain busy.

Ann-Marie HERMANS: Congratulations that you have been able to do that. That is really good.

Darryl CARDONA: Thank you.

Ann-Marie HERMANS: You make some recommendations here in terms of an independent body or oversight body that you would like to see overseeing what is going on and having some sort of opportunities for hearings that are –

Darryl CARDONA: Virtually identical to one of the previous presenters: the people on the board I do not think have got any lived experience. They do not understand it and what needs to be done, and they do not understand what delays cause. We all have KPIs. I still say three months. If you can make a decision within three months, surely we can get together to try and resolve it without all the expenses.

Ann-Marie HERMANS: You have had a lot of court cases and everything over this time.

Darryl CARDONA: Yes.

Ann-Marie HERMANS: The situation with the air conditioning – was that recent or a long time ago?

Darryl CARDONA: That was in 2022, when I made the submission to them, and the first time they really responded to me was on Thursday.

Ann-Marie HERMANS: Just recently?

Darryl CARDONA: Yes.

Ann-Marie HERMANS: Okay. All right. That is helpful for me to understand. That situation has been resolved, though?

Darryl CARDONA: No.

Ann-Marie HERMANS: Okay.

Darryl CARDONA: They have now asked for some more information. The first submission made just got lost in their system because there was a change of case manager. The new person did not look in the file, which is a common theme. They do not read the files.

Ann-Marie HERMANS: Okay. Thank you very much.

Darryl CARDONA: Thank you.

The CHAIR: I will hand over to Mr Limbrick.

David LIMBRICK: Thank you. Thank you for your evidence today. Why do you think they contacted you last Thursday?

Darryl CARDONA: To stop me from attending here and speaking up.

David LIMBRICK: You think that they were trying to influence you to not attend this hearing today?

Darryl CARDONA: Yes.

David LIMBRICK: Okay. Did they say that explicitly to you –

Darryl CARDONA: No.

David LIMBRICK: or were they trying to see what your problem was and fix the problem so that you did not have anything to complain about?

Darryl CARDONA: ‘Here’s this, here’s this. You’re speaking wrong.’ But had they looked in the file, they would have found more information. It is a common theme: they do not look in the file, even to the extent of when she sent me the email, she copied in a lawyer of mine that I had lost three years ago – not my current lawyer. It goes to show she did not read the file. She just read it from 2022, not from 2026. She had a point to make: ‘It’s not our fault; it’s all your fault.’

David LIMBRICK: That is concerning.

Darryl CARDONA: I have paid for that air conditioning now to be installed. I could not wait. That is where I was saying about the amount of money that I have spent. Delay, deny, defend – I could not wait.

David LIMBRICK: Do you feel like the system is set up so that these legal firms seem to do pretty well out of all of this? There does not seem to be a lot of incentive to set up systems like what you are talking about: having joint panels where you can negotiate things without all the lawyers involved.

Darryl CARDONA: Yes, I mean, you get a letter like this – I went back to [REDACTED] on this one and got one overridden because I was able to produce the evidence. But you get three pages, right? This is my favourite page, on everything there. ‘Ask TAC for an informal review, lodge a dispute through your legal representative or lodge an application through VCAT.’ Legal and VCAT takes up two-thirds of the pages. What they are saying is, ‘Come on.’

David LIMBRICK: It is a legal challenge?

Darryl CARDONA: A legal challenge.

David LIMBRICK: Yes.

Darryl CARDONA: Informal reviews I used to do. They could take forever, and they would never contact me through those informal channels. So I would like to present my case, not just what is written on a piece of paper, because sometimes what you put in writing and what is said do not necessarily align.

David LIMBRICK: And so you are concerned that a lot of money is being wasted in the scheme; motorists’ money that has been paid into this scheme is just being wasted through these unnecessary – I mean, some of the examples that you have brought up, like the dental example, if it was not so tragic, you would laugh about it, but a \$100 fee and it spirals out of control into \$12,000 worth of costs.

Darryl CARDONA: And \$825 asking for why.

David LIMBRICK: Yes.

Darryl CARDONA: That has got to be – I laughed at that.

David LIMBRICK: Yes. It does not make any sense, and seems like a waste. They are wasting this money, and yet we still see cases now – we have heard evidence today of people not being paid out what they thought they should get. It seems like a lot of the money is going to the lawyers.

Darryl CARDONA: Yes.

David LIMBRICK: Thank you. I think I have run out of time.

The CHAIR: Thanks. I am now going to go to Mr Tarlamis who is online there. So Lee, over to you.

Lee TARLAMIS: Thank you, Chair, and thank you, Mr Cardona, for your evidence today. I just wanted to pick up that you mentioned that you get along well with your case manager.

Darryl CARDONA: Yes.

Lee TARLAMIS: How much contact do you have with your case manager versus with TAC? Because you made reference to a number of different kinds of contact points today at various times that you have been dealing with when talking to the TAC.

Darryl CARDONA: This case manager has only recently come back. I think I have had him back now for about four weeks. And they change case managers about every 18 months, so going back 36-odd months ago, I had [REDACTED] as well. So he has returned, and I had him for 18 months. And although he was probably one that did a lot of rejections, we got along very well because he would explain it quite well, and then we would agree to disagree and we would move on. But I just feel each time a new claims manager comes on, they have got another tick to do – ‘Let’s find something that he hasn’t disagreed with and let’s go on to that.’

Lee TARLAMIS: Is the main point of contact you have through your case manager?

Darryl CARDONA: Yes.

Lee TARLAMIS: No worries. And do you find that, notwithstanding the fact that they have changed, when they are dealing with your case they are across the detail? Because you mentioned –

Darryl CARDONA: No.

Lee TARLAMIS: Okay. Because you mentioned that sometimes it appears that they are not across the detail stuff, but I was not sure if that was other people you were dealing with or whether that was your case manager.

Darryl CARDONA: No. The previous one, [REDACTED] had made a decision overruling [REDACTED]’s decision of what he had made, because I have got a two-storey house and this is some home services where there needed to be some safety barriers put up on the roof. She overrode that decision and said, ‘No, it is all okay to do it without it.’ But because legal proceedings had already started and she had not read the file, our lawyers clipped the ticket there for \$3000. And that is now set in stone that we can get that done now.

Lee TARLAMIS: So if there is that kind of changeover for a period, there should be better handovers in terms of the file so that whoever your case manager is is across the detail of the file? I think you would say that is fair to say, that there should be some transitional handover period with the new case manager taking over the files, and processes in place for that to bring the new one up to speed?

Darryl CARDONA: Yes, you would hope so. When I went for my bulk settlement case, and I think that was 2016, it was over 16,000 pages. They are not expected to be able to read everything, but by just communicating with us, saying, ‘Look, we’re looking at this at the moment. How about we do this, or how about we do that?’ That is the way [REDACTED] operates. He just says, ‘Right, we’re looking at this. Now, what do you reckon?’ We will bounce the ball, and we will go backwards and forwards, and then we will agree, ‘Okay, this is what’s happening moving forward.’

Lee TARLAMIS: Do you feel that better training of the case management staff would help in terms of dealing with you in terms of explaining why decisions are made, how they are made and how they have arrived at those and things like that? Do you think a better level of training would help in some ways?

Darryl CARDONA: Once a decision is made, they do not want to enter into any conversation. The decision is made; here is your process that you need to go through. That is it. A lot of decisions that are made are not communicated through – verbally discussed prior to.

Lee TARLAMIS: That is my time. Thank you.

The CHAIR: Thanks, Lee. Ms Gray-Barberio, over to you.

Anasina GRAY-BARBERIO: Thank you very much, Chair, and thank you, Mr Cardona, for appearing before the committee today. In your submission you talk about claims not being approved but also not rejected. How often is this happening in your experience, where a claim seems like it is in limbo?

Darryl CARDONA: It has happened on two occasions. One was the air conditioning and another one was regarding physiotherapy. With the physiotherapy, TAC do not like physiotherapists. They do not believe physio does anything. Once you have had a certain amount, it is over.

Anasina GRAY-BARBERIO: Is that currently still in limbo or has it been resolved?

Darryl CARDONA: It is in limbo, technically. Instead of having 10 sessions approved for 12 months to finish a pain management program through them that would have cost about \$1000, they put me through a pain management program at Glen Waverley, which is now privately owned – the old TAC centre that a previous person was speaking about. It is privately owned. They would have preferred to spend \$10,000 on a pain management program through that centre rather than just finalise it with my existing physiotherapist.

Anasina GRAY-BARBERIO: Thank you. Can I just ask: we have been hearing a lot of evidence today about the pressures on the family unit, and I am sorry to hear about your family breakdown. What has the whole cost of this TAC interaction been on your mental health and your physical health?

Darryl CARDONA: Horrific. I have been locked up before – put into a mental institution. I have not been able to have people over because my house smelt like a sewage farm. I have been accused of having an additional daughter. The mental health toll of this is horrific, and it just does not stop. I had four years of black mould that I had to live in. If it was a rental property in Victoria, that rental provider would have been hung up to dry, but the TAC allowed that to happen. Loss of friends, loss of dignity, loss of so many different things – it is like what that TAC claims person said to me eight-odd years ago: ‘Darryl, it’s better off that you’re dead. It would’ve been cheaper for us.’ She was correct.

Anasina GRAY-BARBERIO: Thank you, Mr Cardona. I really appreciate your time. I do not have any more questions. Thank you, Chair.

The CHAIR: Ms Watt, over to you.

Sheena WATT: Thank you, Mr Cardona, for coming to see us today and sharing your experiences. I just want to reflect on the case manager questions that perhaps my colleague Mr Tarlamis raised – around how every 18 months you get a new case manager. Can you explain to me just how that works? Is this a policy that you shift, or is this just because every 18 months, you know, they move on and want to go and do something else? I want to know if it is a policy setting or –

Darryl CARDONA: I have spoken with two of the claims people before regarding this, and they said it is because they do not want their claims people to get too close with the customers.

Sheena WATT: Okay, so this is a –

Darryl CARDONA: TAC thing.

Sheena WATT: A TAC thing, yes. I am just keen to understand.

Darryl CARDONA: I get what they are saying. I am not having a go at them regarding that.

Sheena WATT: No, I understand. I just wanted to see if perhaps luck would have it that every 18 months your case manager gets a new gig or a promotion or a sideways move or whatnot, or if it is in fact a policy of the organisation itself.

Darryl CARDONA: I believe it is a policy.

Sheena WATT: It is a policy of the organisation, as you have just described it. Thank you so very much. You talked a little bit about AHPRA investigating some of the medical examiners – or their inability to examine, rather. Can you talk to me a little bit more about that? Because I am interested.

Darryl CARDONA: When it is deemed to be a medico-legal review, which costs about \$4000 to \$5000 for each medico-legal that they send out, it is covered under legal privilege, right, not under medical rules and regulations. And I would love the legislation to be changed so that if there are problems we can complain to the registration board applicable to that profession.

Sheena WATT: So that would be a recommendation for the committee to consider in their inquiry.

Darryl CARDONA: It would be federal government.

Sheena WATT: To make representations to.

Darryl CARDONA: Absolutely. Yes.

Sheena WATT: Okay. I understand that one. That is certainly one for us to consider. Look, frankly, your story is quite harrowing. I do thank you for coming to us with the honesty of your lived experience. That certainly helps inform our work in the weeks ahead as we continue on with this inquiry.

Chair, I do not have any further questions. Perhaps if other members do, I am happy to cede my time to other members of the committee.

The CHAIR: We are out of time anyway, but thank you, Ms Watt; I appreciate it. That ends our questioning, Darryl. Thanks very much for your time today. You have been very straight up and clear with us about where you think things are at, so I really appreciate that. You will get a proof version of the transcript to have a look through and make any minor changes as you see fit. But from us, thank you.

Darryl CARDONA: I thank you all very much for your time today as well.

Witness withdrew.