Legislative Assembly for The Australian Capital Territory

Standing Committee on Public Accounts

INQUIRY INTO THE Road Transport (Third-Party Insurance)

Amended Bill 2011

Caroline Le Couteur (Chair)

Brendan Smyth (Deputy Chair)

John Hargreaves MLA

Dear Madam and Sirs,

My name is Tony Rial, and I am the father of the late Steven Anthony Rial tragically killed on Clift Crescent, Richardson in March 2009.

Firstly, let me thank you for allowing this submission to be presented to the Standing Committee at such a late date.

I am writing this to you on behalf of myself and the family of the Late Megan Minney also tragically killed in the same incident.

Prior to March 2009, my understanding of the CTP INSURANCE legislation was, I would assume, to be what most Canberrans would have – that is a general overall assumption of what CTP INSURANCE is about. With regret, this tragic incident involved me 100% in the process of a CTP INSURANCE claim, and left me, and the family of Megan completely disillusioned with the current legislation, predominantly, the extent of the compensation paid with many, many questions left unanswered. Keep in mind - the two young people did not cause the incident – they were innocent occupants in a vehicle which was driven by an irresponsible adult who was later charged with culpable driving (two charges).

The two families (back in 2010) became aware of discrepancies with the current CTP INSURANCE legislation when we were advised that there was a cut off point of what the compensation payments cover.

All emergency services costs including ambulance transportation, hospital intensive care costs, hospital operating theatre costs, hospital pathology and radiography costs were covered and paid for by the third party insurer. Funeral expenses – church fees and funeral home services were also covered.

Immediately following my son's death, my entire family was offered access to a public counselling service through ACT Health, and were encouraged to make use of the support/counselling service to help us come to terms with the tragedy which turned our lives from regular, to incomprehensible.

We found, that whilst within the current legislation the CTP INSURANCE insurer agreed to pay for counselling for the parents of the deceased, there was no such counselling (covered by CTP INSURANCE) available to siblings and extended family members of the deceased. At this time, we found this to be unfathomable, and not only did this place enormous additional emotional strain on the families, it created extra financial burden.

Both families sought counselling for Steven and Megan's siblings because of the delicate nature of their young minds and their emotional wellbeing. As we discovered, counselling services are only for parents not for siblings and/or extended family and are not included under current CTP INSURANCE. In today's society, extended families, for example grandparents, step parents, half siblings, defacto relationships are all recognised by law throughout the Commonwealth.

In the case of the Rial family, Steven died intestate and with no dependants. We were forced to engage a solicitor to act in our behalf to deal with the estate. Due to the nature of this issue many hours of work were spent privately and with solicitors providing instruction to get final closure of the estate. The fact that we had to engage a solicitor, cost the family personally, as solicitors fees were not (and still are not) included as part the current legislation's compensation Act as the general public would assume. The solicitors fees which the family incurred due to the incident, whether for working on the estate, or other matters that ultimately arose from the initial incident should be included as part of the third party insurers responsibility.

If the incident did not happen these additional costs above and beyond the current CTP INSURANCE payments would not have been incurred.

Incident occurred

- Emergency services attendance costs (paid by third party insurer)
- Hospital costs including, but not limited to (paid by third party insurer)
    - Intensive care services
    - Theatre services
    - Pathology and radiography services
- Funeral costs paid by third party insurer
- Counselling services costs (for parents only) paid by third party insurer

NO FURTHER COSTS OR COMPENSATION PROVIDED BY THIRD PARTY INSURER

The reasoning is, without the original incident, and the deaths of two innocent passengers in a vehicle, no compensation would have been paid for by the Third Party Insurer for the medical costs (hospital expenses, pathology, theatre time etc) or to the funeral directors (along with their associated cost) or for counselling for the parents of the deceased. The question needs to be asked - without the incident none of this would have occurred. Why is it that someone, at some stage, has made a decision that this is the cut off point for compensation in this Territory? The argument is that things don't stop there, and other things need to be attended to, to bring the deceased's estate to closure. This of course would vary in length as to how soon the family can get over the loss in such circumstances and the complexity of the estate.

I find this to be incomprehensible when I know that an injured person (from a motor vehicle accident) has all current and future medical bills from that incident covered by the CTP insurer.

In February 2011, Megan's mother Angela and I met with the now Chief Minister, Katy Gallagher to discuss our concerns and the inadequacies of the current legislation. The outcome of that meeting, whilst initially positive, didn't provide us with any ongoing dialogue.

In conclusion, I understand that I may not have adhered to the Inquiry's terms of reference, however, I felt our story needed to be told. We would not like other families in Canberra to suffer as we did upon discovering the inadequacies in the current ACT CTP INSURANCE legislation.

My contact details are enclosed at the bottom of this submission, and I would be more than happy to provide more details to the Committee should it be requested.

Yours sincerely,

Tony Rial and Angela Reynolds