

Cyril Dennison

Chairperson.

The Honorable Justice R.G. Atkinson

The Queensland Law Reform Commission

“Review of Guardianship Laws”

PO Box 13312

George Street Post Shop

Brisbane QLD 4003

**SUBMISSION TO THE QUEENSLAND LAW REFORM COMMISSION
“REVIEW of GUARDIANSHIP LAWS”**

Acknowledging the Supreme Courts “parens patrie jurisdiction
and the application of Common Law.

“ WITHOUT PREJUDICE ”

For the Law Reform Commission and other interested parties to make sense or obtain benefit from this submission it would be appropriate for me to furnish factual background information which will support suggestions or argument put, in relation to the Queensland Law Reform discussion paper.

The question that has to be asked is, “are we all Australians first, or are we Queenslanders, Victorian, South Australians, etc, first and Australian second” under State legislation or the Australian Constitution.

That question goes to our individual “rights, obligations and the benefits” we all share under multiple legislations as citizens of this great country.

However, you cannot apply the Law or Legislation of two independent States, (eg) Victoria and the State of Queensland to the one accident that occurred in the State of Victoria, in a non common law imposed settlement.

Particularly if legislation of the principle State is mandatory, and obstructs and compromises the course of natural justice and common law.

(con't page 2)

How does this in anyway relate to the Review being conducted by this Committee?

In discussion paper volumes 1 and 2, quotations and references are made to Commonwealth Government Legislation, State legislations and that of other Countries.

Over recent months published in various media have been editorial and opinions as to why we need or do not need a "Bill or Charter of Rights" in the Australian Constitution.

Eminent Jurists and high profile Politicians have stated we don't, and the principle reason given is our interests are protected under legislation already in place and or Common Law.

My daughter, Michelle Angelique Dennison and my family is a classic example of how the interests of Australian citizens are not fully protected under Common Law, and how that can and does impact our lives and various Legislations, including Enduring Powers of Attorney, Medicare and Social Security Benefit rights or entitlements as Australian citizens.

Historical and pertinent FACTS as they have occurred:

11am 7/10/96 Returning home from an enjoyable long weekend at Lakes Entrance my youngest daughter was involved in a horrific motor vehicle accident at Orbost in the State of Victoria, she was the 100% innocent party, suffered brain stem hemorrhage and other very serious head and life changing injuries .

As a consequence of those terrible injuries she was in coma for four months and hospitalised for a period of 1 week short of a full year.

As a direct result of the accident occurring in Victoria, the original claim and conduct of that matter was subject to legislation of that State and sanctioned under cross vesting powers by the Supreme Court in Brisbane.

As a consequence of the **mandatory legislation** in Victoria, Section 60 of the TAC Act 1986, the course of natural justice and common law was corrupted and defrauded my daughter of being fully compensated for "future care" as she would have in any other state of Australia, a financial loss to her estate was approximately \$1.45 million.

(\$250,000 parent care 3 1/2 years prior to imposed settlement, \$1.25 million assessed for future uncompensated care.)

(con't page 3)

To the question asked by the QC engaged to represent my daughter, of the QC for the defendant, FAI Insurance.

“who is going to pay for or look after the Plaintiff the 56 uncompensated carer hours per week?” the reply “the Legislation- Law of the State of Victoria expects Mr Dennison too continue look after his daughter the same as he has in the past” quote unquote.

The end result is that legislation assisted the original defendant (FAI Insurance) and the State of Victoria (TAC Insurance) too abrogate their responsibility to my daughter and her family and hundreds of other Australian citizens like her.

FACTS:

(a) My daughter was a resident of Canberra, her car was registered in ACT, CTP and Comprehensive Insurance with Suncorp Insurance. The other party was resident of NSW, their hire car was registered in NSW with CTP and Comprehensive insurance with a FAI in NSW. The accident occurred in Orbost in Victoria.

(b) Under common law she was paid out in full within three days of me filing a claim for her car that was written off, it was a absolute wreck. Under common law the driver of the vehicle at fault was fined, and had three demerit points added to his NSW License

(c) I believe the interference by TAC Insurance personal of an Australian citizens rights to appropriate medical treatment immediately outside an intensive care facility coercively requesting the signing of documents authorizing TAC Insurance to pay medical fees associated with that accident, when as a Australian citizen it was their right under Federal legislation to have those costs met by Medicare who would have in turn been re-imbursed by FAI Insurance. It was that very incident, and Section 60 of the TAC Act 1986 that has compromised Common Law, and natural Justice.

(d) What are the consequences of “Section 60 of the TAC Act 1986” too Australian citizens, whether residents or tourist to State of Victoria who have the misfortune to be involved in a car accident there.

(e) The State of Victoria would claim theirs is a no fault legislation.

(con't page 4)

(f) The consequences of: “Section 60 of the TAC Act 1986”

1. Obstructs and denies the course of natural justice, with intent.
2. Obstructs and denies the course of Common Law, with intent.
3. Interferes with Medicare rights of Australian citizens.
4. Defrauds injured party of their just entitled compensation
5. Passes the time and cost of uncompensated care, to the family
6. It prejudices the rights of the recipient of reduced compensation to equal standing under Australian Social Security system.
7. The Cornelia Rau factor:
Detains, conscripts, and subjugates a parent or parents to the uncompensated care over years to the injured party.

This detention prevents a parent or parents seeking and obtaining gainful employment suited to their qualifications and experience, to earn, save and acquire assets for their future

- In our democracy an Australian citizen would normally have to commit a crime be found guilty in a Court of law before being jailed (detained) and restricted from earning a income.
8. This legislated withholding of just compensation is a cost that will eventually to be borne by the Commonwealth / taxpayer.
 9. Even though this legislation prevents a settlement under “common law” the imposed settlement presents further problems
 10. It is the practise of Supreme Courts across Australia to mandate management of larger compensation settlements, whether negotiated or imposed to the management by the State (ie) Public Trustee or Trustee companies.
 11. So Australia being a very mobile society, inexpensive inter and intrastate travel, the likelihood of having to comfort the impact of legislation of different States on the one incident is considerable. (eg)
 12. We have Enduring Power of Attorney of my daughter, we attend to all matters, personal, medical, and financial, legal, etc.
 13. Yet the appointment of the Public Trustee (Qld) further subjugates the person compensated and her family to the Law or Legislation of the State of Queensland in a non common law imposed settlement from Victoria. Double jeopardy.
 14. The negative impacts of that appointment, are the needless and fees and charges, investment by the Trustee of settlement funds in markets not of interest to the compensated party.
 15. Parents of the injured persons now having to account to the law and legislation of a different State. (con't page 5)

16. Our EPA is lawful, fully used to the benefit of my daughter was not revoked by the Supreme Court.
Yet, we have the State claiming to be the Power of Attorney who appointed them? not with our authority or knowledge.

Chapter 9 Enduring Power of Attorney Act 1998

Questions and Answers:

- Q9.1** "Eligible Attorney" Yes, no change needed.
- Q9.2** Section 29(1)(c) make them Administrator only
- Q9.3** No, because a person may or may not have a criminal history does not mean they are necessarily going to rip off the (Donor) or that their history precludes or prevents them from making informed "health decisions"
As long as their history is known to the Donor
- Q9.4(d)** Would a incurred criminal history post the EPA appointment, Void that appointment ?

Or if the (Donor) was aware of their changed history of their appointed EPA, would it still remain valid?
- Q9.5(a)** Yes, as it is subject to the Power of Attorney Act 1998 it can not seek or defer to the Public Trustee Act 1978 to evade disclosures, or FOI inquiry, etc etc.,
- (b)** " " "
- Q9.6** No Limit
- (9.68)** Good Idea.
- (9.69)** Exercise should be monitored by JP or Commissioner of Declarations.
- (9.70)** Communicate date.
- Q9.7** Yes
- Q9.8** No, should be "Appointment Specific."

(con't page 6)

Questions and Answers

- Q9.9** Yes, separate booklet, with a check box on form acknowledging it had been read.
- Q9.10** Should only be about two pages and include a Doctors signature confirm the Donors capacity authorizing the EPA
- Q9.11** The form, or “Form specific appointment” should state the commencement date or “upon lawful incapacity.”
- Q9.14** Yes
- Q9.15** (a) All Enduring Power of Attorney should be registered at the Supreme Court, as the Power of Attorney Act 1998 is not part of the Guardianship and Administration Act 2000, and therefore should not come under their Jurisdiction until it is in use and there maybe justifiable reason for the GAT to interference.
- Q9.16** No, other than formal registration in the Supreme Court and witnessed by a Medical Doctor, as to the persons capacity at the time of authorizing the EPA. (ie) of sound mind, and freedom of choice
- Q9.17(a)** invasion of privacy of Donor and intended EPA.
(b) “ “ “ “
(c) “ “ “ “
- Q9.18(d)** Is a presumptive question and suggests that a decision has already been made for this to be managed by the Tribunal

EPA’s are a private or family matter a vehicle to address future or current matters privy to their situation and not for authorization by a Tribunal or bureaucracy.
- Q9.19** No, an assumption has been made in that question that the Tribunal has knowledge of the EPA existence.

The major strength of an EPA is its privacy to the person or family who made it, to exclude interference of third parties, like the GAT, Public Trustee and the like, from health decisions, financial, and family matters.

(con’t page 7)

Questions and answers

- Q9.20** No, appraisal form need or should have to be obtained for the EPA to get on with doing what it was requested or mandated to do by the Donor
- Q9.21** There are no difficulties with Section 34 of the Powers of Attorney Act 1998.
It is precise, common sense, requires no amendment.
- Q9.22** Certainly of New Zealand, as we have close ties with that country, high tourism / visitor turnover in either direction with Queensland a major recipient of immigrants from that country.

Other countries, **No!** rely on Common Law and Juris Prudence.

Our experiences as a Nation and the application process that potential migrants go through, should be the yard stick. If they want to live here, then the law and Legislation of this Nation apply. Let that be a National decision.
- Q9.23(a)** Yes!
(b) Yes!
(c) No -- Interference.
(d) No
- Q9.24** No
- Q9.25** part (a) include.
part (b) include.
- Q9.26** No.
- Q9.27** No.
- Q9.28** The Powers of Attorney Act 1998 should not be subject to a Tribunal for a decision.
(a) “ “ “
(b) “ “ “
(c) “ “ “

Questions and Answers

Q9.29

- (a) No
- (b) No
- (c) No

Q9.30

No mandatory periodic auditing of Enduring Powers of Attorney.

An EPA is in the greater majority established between the Donor and his or her agreed implementer when the donor has full capacity and knows what they are doing, it is for private and personal matters, private business, not for bureaucratic involvement.

If an EPA has or is behaving or conduct of his duties is not appropriate it will surface and the appropriate action can then be taken under the Act or Common Law.

The whole reason and concept of the Enduring Power of Attorney (EPA) is for the private autonomy and confidential management and implementation of the Donors wishes and expectations. Not for the interference of third parties.

Chapter 10
Statutory Health Attorneys

Q10.1

The current scheme for “statutory health attorney” under the Powers of Attorney Act 1998 in the majority has the right balance, it certainly has in my family’s situation.

Q10.2

The name “statutory health attorney” should remain, but could be expanded to read “statutory health attorney / nominee”.

Q10.3

No! “Close and continuing relationship” is sufficient.

Q10.4

No!

Q10.5

No, include “senior available next of kin or blood relative”
(con’t page 9)

Questions and Answers

- Q10.6** No.
- Q10.7** Yes, with the modification, “include close friend”
- Q10.8** No, it should read, “Close friend and or senior available next of kin or blood relative”
- Q10.9**
- (a) Yes, At least 18 years of age or able to vote.
 - (b) Yes.
 - (c) No, poorly put question that can catch an Enduring Power of Attorney, who in the majority of cases, are the primary unpaid carer, service provider – arranger or manager, and are resident with the Donor.
They would have the most intimate and appropriate knowledge of the Donor.
- Q10.10** Could be amended to ”statutory health attorney / nominee” for the cases where there may be two (2) or more EPA’s.
- Q10.13** Yes, should be amended to “unpaid carer” then the “senior next of kin”
- Q10.14**
- (a) Is currently fully addressed under section 62(1) of the Power of Attorney Act 1998.
 - (b) Is currently fully addressed under section 62(2) of the Power of Attorney Act 1998.

Chapter 11
Advanced Health Directives

- Q11.1** Yes, to the extent that it would address the Donor’s wishes and needs.
- But there needs to be some form of (1) registration and (2) advice when the treating doctor or hospital should become aware of the existence of the document, the Advance Health Directive.

(con’t page 10)

Questions and answers

Q11.1 con't

As callous as this may sound living in a 1st world country. If a medical or service provider was aware of a “advance health directive” the quality of the interim and subsequent care may be of a lesser quality than should be.

Q11.2

Yes!

Q11.3

Yes, the Public Trustee should be deleted from Section 29 (2)(b) of the Power of attorney Act 1998.

Q11.4

Yes, Keep it simple, maximum 2 pages.

Q11.5

The form should and need to be AH directive specific not allow the service provider opportunity to question or imply on other areas of concern (ie) Social Workers

Q11.6

No! Covered by Enduring Power of attorney.

Q11.7

I was leading to this very situation in my answer in Q11.1 One way to address the potential situation when the Donor makes and appoints an EPA who would have responsibility and authority under Sections 35 & 36 of the Power of Attorney Act 1998.

The donor should get a Health Directive form completed and authorized by their regular doctor as to their mental capacity at the time of signing the document. In other words, the person knew what they were committing too, they were of sound mind.

Now in the event of an act of God, heart attack, stroke, or a car accident, and the likely medical outcome suggested by the attending medical specialists at the time, was limited or poor.

Then the EPA could hand over the signed “health directive” and the medical service provider could then act and conduct their medical treatment or withdraw same with a clear conscience.

(con't page 11)

Questions and answers

- Q11.8** A review from time to time is a good idea, but it should not be legislated or made mandatory, just suggested in a supporting information booklet with the EPA or Health Directive document.
- Q11.9** Yes!
(1) An EPA or Health Directive may be **authenticated** by affidavit or statutory declaration witnessed and stamped by a JP or a Commissioner of Declarations or Lawyer.
(2) That authenticated and stamped document (**only**) may and could for expediency purposes (medical situation) be Faxed or Scanned to the service provider
- Q11.10** Yes!
- Q11.11** If the EPA is registered in the Supreme court as previously suggested, the “health directive” as part of that document is automatically registered.
It is suggested that when a EPA is registered that the Donor take the opportunity to register a separate “Advance Health Directive” with it.
- Q11.12** No. Otherwise next thing it would require the question do They have a WILL, and a EPA, etc, etc.
- Q11.13** Yes, Though this would be alleviated if their usual health provider were required to complete part of the authority for a EPA or AHD as to the Donors capacity to initiate and authorize same.
- Q11.14** No! well written, simple to understand.
- Q11.15** Certainly of New Zealand, as we have close ties with that country, high tourism / visitor turnover in either direction with Queensland a major recipient of immigrants from that country.

Other countries, **No!** rely on Common Law and Juris Prudence.

Questions and Answers

Q11.15 con't

Our experiences as a Nation and the application process that potential migrants go through, should be the yard stick. If they want to live here, then the law and Legislation of this Nation apply. Let that be a National decision.

Q11.16

- (a) (1) Yes
(3) Yes
- (b) No! ----- Interference
- (c) No!

Q11.17 No. Current section well written, defer to Common Law

Q11.18 No. Current section well written, defer to Common Law

Q11.19 No. Current section well written, defer to Common Law

Q11.20 No. Current section well written, defer to Common Law

Q11.21

- (a) Yes No, would go against Advanced Health directive
- (b) Yes.
- (c) No. Goes to quality of life

Q11.22 Having two documents, the EPA which in effect is a working and decision making instrument as to present situations.

The AHD is a terminating directive, that the Donor had in mind of conditions or situation likely to occur, which they felt they did not wish to endure or be placed in.

Q11.23 No.

Q11.24 No. The preferred position would be that the attorney of the EPA to be the same as the AHD, should there be two Instruments of authority.

Chapter 12

Withholding and withdrawal of life- sustaining measures

Questions and answers

Q12.1

- (a) Yes
- (b) Yes

Q12.3

Yes, well written.

Q12.4

No!

Q12.5

(1) "Withholding" may be as a result of a accidental omission, lack of resources, staff or facilities, the medication was not commenced, treatment denied based on the potential of Zero quality of life.

(2) "Withdrawal" is a the stopping of life sustaining treatment, because any further would prove futile or present a outcome which would be physically and spiritually unjust.

Q12.6

My daughter had a brain stem hemorrhage and other serious brain injuries with a glassgow score of 2 at the accident scene. When in the Intensive Care her life support was adjusted on the third day to only assist her breathing if she breathed not breath for her, she was in a vegative state, and in a coma /unconscious for four months, in hospital for ~12 months. She has made a remarkable recovery. So this is a very difficult question to answer.

(a) only with a second "independent" doctors opinion who is not part of the treating team.

(b) Time conditional, at least 6 months, maybe more.

(c) Time conditional, at least 6 months, maybe more.

(d) Yes.

Q12.7

That questions presumes a decision has been made to "withhold" medical treatment.

Q12.8

(a) Yes.

(b) No.

(con't page 14)

Questions and answers

Q12.9 (a) No
(b) Yes

Q12.10 (a) Yes
(b) No. personal directive, personal choice.

Q12.11 (a) Yes.
(b) Yes.

Q12.12 Yes.

Suggestion:

There needs to be written into Guardianship and Administration Act 2000 that in the case of either a male or female person of incapacity who have had a substantial damages settlement,

That a marriage or serious de-facto relationship is entered into that the damages settlement is not brought to the partnership or marriage, that those funds be always there for what they were intended, rehabilitation, long term care, etc etc.

Maybe a pre-nuptial agreement would do! Just a thought / concern.

I wish to thank the Commission for the opportunity of presenting this submission and hope that it may in some small way contribute to your deliberations and suggestions to amend and Improve the Queensland Guardianship Laws.

If I can be of ~~any~~ further assistance please do not hesitate to contact me.

~~Yours~~ sincerely

Cyril Dennison. 10.12.09

- cc
- ✓ Hon Mr Kevin Rudd. Prime Minister of Australia.
Parliament House, Canberra.
- ✓ Hon John Brumby Premier of State of Victoria
Parliament House, Melbourne.

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POST.

Queensland

Law Reform Commission

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Mr Cyril Dennison

14 December 2009

Dear Mr Dennison

A Review of Queensland's Guardianship laws

Thank you for your submission received on 11 December 2009 in relation to the Commission's review of Queensland's Guardianship laws.

The Commission greatly appreciates your input into this review.

Yours sincerely

Cathy Green
Assistant Director

Cyril Dennison

The Honorable Kevin Rudd
Prime Minister of Australia.
Parliament House
Canberra. ACT 2600

Dear Mr Rudd,

Attached is a copy of a submission dated 10th December that I have recently sent to the Queensland Law Reform Commission, Review of Queensland Guardianship Laws.

As a concerned Australian citizen and parent I have taken the opportunity to make the Commission aware of a situation that has occurred in the case of my family, and likely to have occurred in the case of other Australia citizens.

Section 60 of the TAC Act 1986, State of Victoria, obstructs the course of natural justice and common law, and denies just outcomes that can and are able to be achieved in similar situations and events in any other State in Australia.

The consequences of this obstruction to any Australian citizen are pretty severe, in legal terms, outcomes, and on going day to day interaction with statutory authorities / business.

The detail of those consequences, the impositions and limitations are outlined in that submission, please take the time to read it.

We are after all one Nation, if Victoria receives substantial Commonwealth financial subsidies and support similar to the other States, for Hospitals , Roads, and other infrastructure and services, then that State should have compatible legislation which would not obstruct the course of Justice and Common Law.

I have given your government an example of where "common law " does not protect the rights of Australian citizens, particularly if they have the misfortune to be involved in a car accident in the State of Victoria.

It indeed may be time for a Bill or Charter of Rights in Australia.

Yours ~~Sincerely~~

Cyril Dennison.

cc.Mr John Brumby, Premier of the State of Victoria
cc Hon Justice R.G.Atkinson, Chairperson, Queensland Law Reform Commission.

11/12/09.

Cyril Dennison

The Honorable John Brumby
Premier.
The State of Victoria.
Parliament House
Melbourne. Victoria.

Dear Mr Brumby,

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As a concerned Australian citizen and parent I have taken the opportunity to make the Commission aware of a situation that has occurred in the case of my family, and likely to have occurred in the case of other Australia citizens.

Section 60 of the TAC Act 1986, State of Victoria, obstructs the course of natural justice and common law, and denies just outcomes that can and are able to be achieved in similar situations and events in any other State in Australia.

The consequences of this obstruction to any Australian citizen are pretty severe, in legal terms, outcomes, and on going day to day interaction with statutory authorities / business. The detail of those consequences, the impositions and limitations are outlined in that submission, please take the time to read it.

I appreciate that your Government would suggest that it is offering no fault legislation in the TAC Act 1986 to citizens and visitors alike to Victoria, that is admirable to the extent that it should not interfere or obstruct the course of natural Justice and Common Law.

As an Australian citizen and parent of a daughter who have been denied Justice and fair and just compensation as a consequence of that legislation, I formally request your Government review and repeal that part of the TAC Act 1986, specifically Section 60 that obstructs the course of Natural justice and Common Law.
Please have this read into Hansard

Yours Sincerely

Cyril Dennison.

cc Mr Kevin Rudd, The Prime Minister of Australia.
cc Hon Justice R.G. Atkinson, Chairperson, Queensland Law Reform Commission.

11/12/09.

s. 60

Transport Accident Act 1986
Act No. 111/1986

against the payments that the Commission is liable to make under sections 57 and 58 to the surviving spouse of the earner.

S. 59(14) inserted by No. 84/2000 s. 18.

- (14) Sub-sections (12) and (13) as inserted by section 18 of the **Transport Accident (Amendment) Act 2000** apply to and in respect of a transport accident which occurs on or after the commencement of that section.

60. Medical and like benefits

S. 60(1) amended by Nos 32/1988 s. 15(1)(a)-(d), 50/1989 s. 52(1) (as amended by No. 91/1989 s. 7(g)), 84/1994 ss 9(1), 36, 5/1999 s. 3, substituted by No. 84/2000 s. 19(1).

- (1) This section specifies amounts that the Commission is liable to pay as compensation in addition to any other compensation paid under this Act.

S. 60(1A) inserted by No. 84/1994 s. 9(2), substituted by No. 84/2000 s. 19(1).

- (1A) The Commission is only liable to make a payment under this section if the application to the Commission for payment relates to an expense or cost incurred within the period of 2 years immediately before the application is made.

S. 60(2) substituted by Nos 84/1994 s. 9(3), 84/2000 s. 19(1).

- (2) The Commission is liable to pay as compensation to a person who is injured or in respect of a person who dies as a result of a transport accident—
- (a) the reasonable costs of road accident rescue services, medical services, hospital services, nursing services, disability services, rehabilitation services, transportation costs and ambulance services received in Australia because of the transport accident; and

Transport Accident Act 1986

Act No. 111/1986

s. 60

- (b) the reasonable costs of attendant care services that would be otherwise payable under paragraph (a) if the injured person had received those services in Australia because of the transport accident, if the injured person receives those services while travelling overseas for a period of not more than 8 weeks in any year; and
 - (c) if the person, during the period of one month preceding the transport accident, was engaged mainly in housekeeping duties or the care of a child and did not receive salary or wages in respect of those duties or that care, the reasonable costs incurred after the transport accident in employing, during the first 5 years after the death or injury, an authorised person to undertake in Australia housekeeping duties or care of the child, but the payment of the reasonable costs is not to exceed a total of 40 hours per week of housekeeping or child care services ; and
 - (d) in the case of a person who is injured, the reasonable costs incurred after the transport accident in employing an authorised person to provide in Australia services of a domestic nature or services relating to nursing and attendance but not exceeding 40 hours per week, less the amount paid under paragraph (c).
- (2A) The Commission is liable to pay as compensation in respect of a person who is injured or dies as a result of a transport accident—
- (a) where death or severe injury results from the transport accident, the reasonable costs incurred in Australia of family counselling services provided to family members by a

S. 60(2A)
inserted by
No. 84/2000
s. 19(1).



EXHIBIT 5.

Driver Protection Cover Policy

Compulsory Third Party (CTP) Insurance pays compensation to people injured or killed in a motor vehicle accident, where negligence can be established, but it does not compensate the driver at fault. Suncorp Driver Protection Cover (DPC) compensates drivers at fault who are injured, or the driver's estate or dependants if the driver at fault is killed, in a motor vehicle accident. If you renew your CTP insurance with Suncorp, when you pay your vehicle registration renewal, you may be eligible for DPC benefits at no extra cost.

When we pay DPC Benefits

We will pay benefits to the at fault driver of your motor vehicle for injuries suffered (or to the driver's estate or dependants if the driver is killed) as a result of a motor vehicle accident in Australia, if ALL of the following apply:

- you have paid your vehicle registration renewal notice sent to you from Queensland Transport, and renew your CTP insurance with Suncorp;
- the driver was solely at fault for the accident and at the time of the accident;
 - aged 25 years or older; or
 - aged between 16 years and under 25 years and your motor vehicle is comprehensively insured with us;
- the injury is on our *Schedule of Benefits* (see below);
- the motor vehicle is a Class 1 (cars and station wagons) or Class 6 (trucks, utilities and vans of 4.5 t or less) vehicle, under the Motor Accident Insurance Regulation 2004;
- the accident was the sole or substantial contributing factor to the injury shown on our *Schedule of Benefits*;
- an appropriately qualified medical practitioner confirms that the driver had sustained the injury as a result of the accident;
- at the time of the accident your motor vehicle was registered, roadworthy and not towing a load over the legal limit, and was not a police vehicle;
- the driver (or the estate or dependants if the driver died) is not entitled to claim under any statutory compensation scheme (including motor accident or workers' compensation).

When we do not pay DPC Benefits

We will not pay benefits if:

- the injury was intentionally caused or was a result of the accident being intentionally caused; or
- the circumstances causing the injury result in the driver being convicted of a criminal offence, or the driver was under the influence of alcohol or drugs, or had a breath or blood alcohol level over the legal limit, or the driver was involved in any illegal activity, or was on a motor race track, racing, pacemaking, or in reliability, speed, motor sport or other trials or a car rally at the time of the motor vehicle accident; or
- the injury was directly or indirectly caused by, or was due to, psychological or psychiatric causes, sickness or disease; or
- the injury was caused by revolution, war (whether declared or not), acts of a foreign enemy, military coup, radioactivity or the use, existence or escape of nuclear fuel, nuclear material or waste, or the action of nuclear fission including detonation of any nuclear device or nuclear weapon, biological, bacterial, viral, germ, chemical or poisonous pollutant or contaminant or any looting or rioting following these occurrences.

Schedule of Benefits

| Quadriplegia | See next table* |
|---|-----------------|
| Paraplegia | \$ 350,000 |
| Total loss of power of speech | \$ 100,000 |
| Total loss of hearing | \$ 100,000 |
| Permanent and total sight loss in both eyes | \$ 100,000 |
| Loss/amputation of both hands or both feet | \$ 100,000 |
| Loss/amputation of one hand and one foot | \$ 100,000 |
| Loss/amputation of one hand or one foot | \$ 50,000 |
| Permanent and total sight loss in one eye | \$ 50,000 |
| Death (if the driver had dependants) | \$ 40,000 |
| Death (if the driver had no dependants) | \$ 10,000 |

If the driver suffers more than one of the injuries in the schedule, we pay only the benefit for the injury with the highest benefit value.

If you have any complaints about our products or services, or for more information about our complaints resolution process, please phone our Customer Relations Unit on 1800 689 762. Driver Protection Cover is issued by Suncorp Metway Insurance Limited ABN 83 075 695 966 Level 18, 36 Wickham Terrace, Brisbane QLD 4000.

Table of Quadriplegia Benefit Cover

| Age of At-fault driver | Motor Vehicle Comprehensively Insured with Suncorp | Motor Vehicle not Comprehensively Insured with Suncorp |
|------------------------|--|--|
| 16 to 25 years old | \$2,000,000 | 0 |
| > 25 years old | \$2,000,000 | \$1,000,000 |

Medical/Rehabilitation Benefit - If in our opinion, following a preliminary assessment of the claim, the at fault driver is eligible or likely to be eligible for DPC benefits, we will pay a lump sum of \$5,000 which may assist in paying medical or rehabilitation costs.

This benefit:

- is payable in addition to the amount payable under our *Schedule of Benefits*, provided total payments for the claim do not exceed the policy sum insured.
- is not payable for claims for death of the at fault driver.

If ownership of the motor vehicle changes and our CTP Insurance policy remains current, this DPC policy transfers to the new owner or owners when the change is registered with Queensland Transport.

Some terms explained

These terms have the following meaning when used in your policy:

- child** – includes the driver's adopted or step child
- compensation** – includes common law damages, payment or benefit of any kind
- dependant** – a spouse or child under 18 who relies on the driver for economic support
- driver** – anyone:
 - legally in charge of your motor vehicle, and
 - licensed to drive your motor vehicle, and
 - driving your motor vehicle with your consent at the time of the accident
- injury** – physical bodily injury (excluding psychological injury or psychiatric illness) as a result of a motor vehicle accident
- loss** – amputation or removal or permanent loss of use
- motor vehicle** – a registered vehicle insured with us under a current CTP Insurance policy
- motor vehicle accident or accident** – an incident where an injury results from the driving of your motor vehicle or a collision or attempt to avoid a collision with your vehicle
- paraplegia** – permanent and total paralysis of both legs caused by an injury to the spine
- quadriplegia** – permanent and total paralysis of both arms and both legs caused by an injury to the spine
- spouse** – a person legally married to the driver, or a de facto partner who has lived with the driver for at least 1 year up to the date of the accident
- we, us, our, Suncorp** – Suncorp Metway Insurance Limited ABN 83 075 695 966, AFSL No 229869
- you, your** – our CTP Insurance policy holder

How to claim

Step 1. Notify us in writing of the details of any accident which could lead to a claim, including time, date, place, any witnesses and how the accident happened.

We must receive these details from the driver or the driver's legal representative in writing within 60 days of the accident.

Step 2. Anyone wanting to claim must complete and lodge our claim form with us, supply all medical and other documents we have asked for at the driver's expense and allow doctors we nominate to conduct medical examinations we consider necessary, to assess the claim.

We can reject the claim if:

- you or the driver are not truthful and frank in any statement you make in a claim or in relation to a claim; or
- we do not receive:
 - written advice of the details of any accident which could lead to a claim within 60 days of the accident; or
 - a completed claim form within 6 months of the accident; or
 - written confirmation of the accident from police or other appropriate authorities after making reasonable enquiries; or
 - appropriate evidence as required by us.

To notify us of the accident details, or for claim enquiries, please contact us at:

Suncorp Insurance Injury Claims (GI008)

GPO Box 1453

Brisbane Qld 4001

Phone us on 13 11 60 or visit the web site at www.suncorp.com.au







LOCKED BAG 33 GPO BRISBANE 4001

5TH FLR COLONIAL BUILDING 443 QUEEN STREET BRISBANE QLD 4
Fax: (07) 32108097Please quote: [REDACTED]
Telephone: (07)32108013
Office Hours: Monday to Friday 8.30am - 4.30pmMiss Michelle Angelique Dennison
[REDACTED]
[REDACTED]

Dear Miss Dennison

Our Compensation Reference Number: [REDACTED]
Date of Injury: 7 October 1996

I am writing to you about the effect your compensation payment has on the social security payments paid to you.

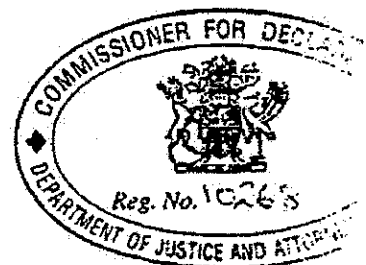
Part 3.14 of the Social Security Act 1991 provides that when a person receives a lump sum payment of compensation, part of the payment is considered to be for lost earnings (economic loss). This economic loss amount is then used to calculate a period of time when a person will not be eligible to receive social security payments, with the exception of payments made for children. This period of time is called the "preclusion period" and, depending on a person's circumstances, may affect past and/or future payments made to that person.

The preclusion period is calculated by dividing the part of the lump sum payment that is deemed to be for lost earnings or lost capacity to earn (in most cases this will be 50 per cent of the lump sum) by the amount above which no pension is payable to a single person under the income test (currently \$422.90 a week). This division results in a period of weeks which commences from the day after the periodic payments (e.g. weekly payment) of compensation stopped or, if none were received, the day on which the lost earnings or lost capacity to earn (following the injury) began.

I have been advised that you are entitled to a lump sum compensation payment of \$2,600,000.00, of which \$1,300,000.00 is deemed to be for loss of earnings or lost capacity to earn. The preclusion period commences 7 October 1996 and ends 5 September 2055.

This has been calculated using the following:

. lump sum settlement amount



Fraser dingo disease fear

WILDLIFE authorities fear an escaped cattle dog could spread a potentially deadly disease through Fraser Island's dingo population.

The Queensland Parks and Wildlife Service says the cattle dog has not been seen since escaping on Saturday from its home in Eurong, on the south of the island.

However, it would not search for the dog because it could be anywhere on the island.

Regional manager Rob Allan said domestic dogs were banned from the World Heritage-listed island.

The Fraser Island Association blamed an "ineffectual" electrified fence around Eurong for the animal's escape.

Parvovirus spread by dogs had a devastating impact on the dingo population in the 1970s.

It can kill dogs and dingoes through gastrointestinal tract damage and dehydration.

Mandarins sour over job

MORE than half of all senior public servants are unhappy with their work-life balance and 43 per cent said they worked more than 50 hours a week, a new survey has found.

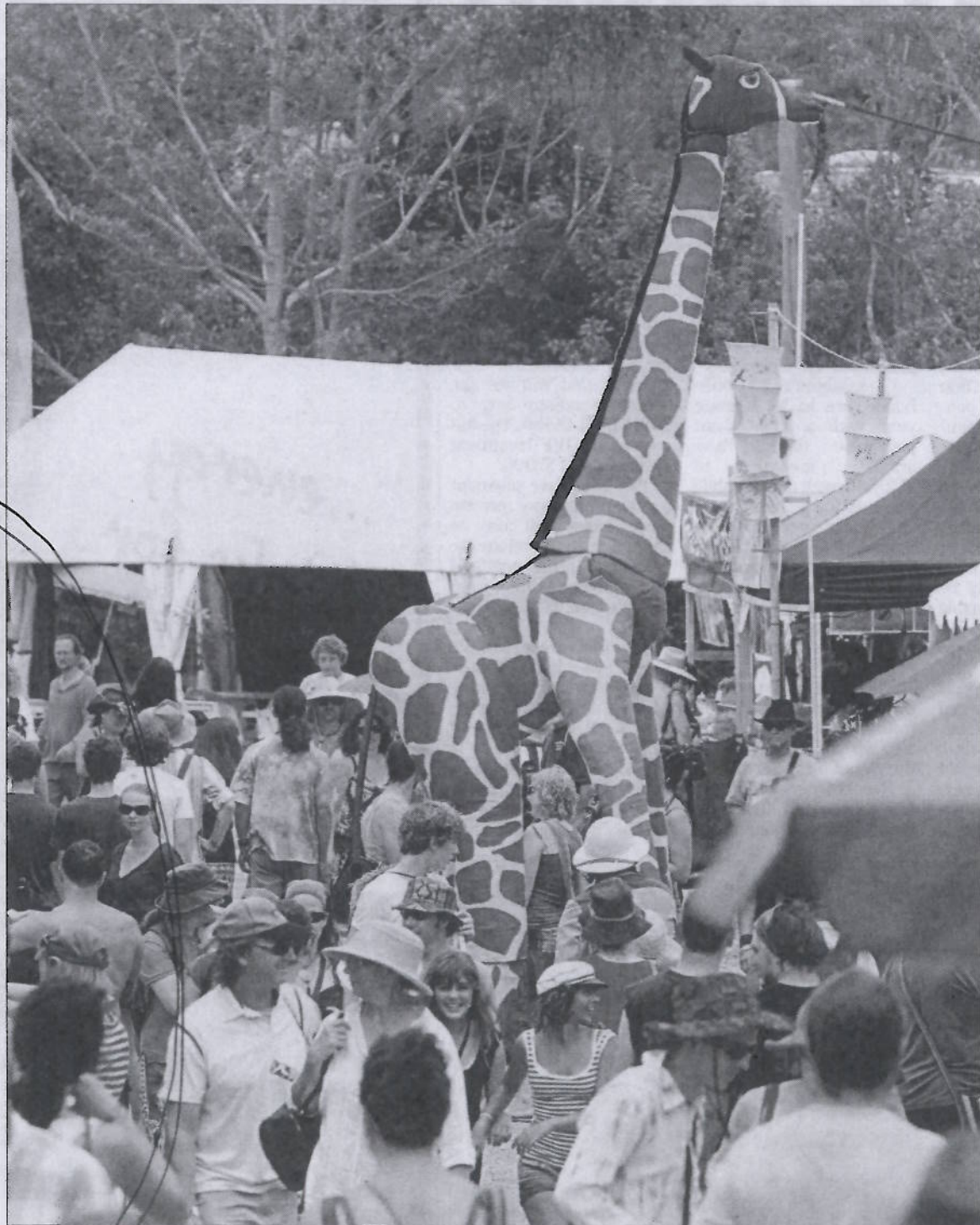
The Australian Public Service Commission's annual report also revealed that less than half of the federal public service's employees were satisfied with their salaries.

The release of the report came after *The Courier-Mail* revealed yesterday that 13,000 bureaucrats shared in more than \$36 million in bonuses last year at the height of the financial crisis.

APSC's survey found while 63 per cent of bureaucrats thought they were fairly remunerated for their work, employee satisfaction was highest among more senior employees.

However, only 45 per cent of senior executives were satisfied with their work-life balance.

Woodford's buskers have all the be



THE LONG AND SHORT: Punters check out some of the market stalls at the Woodford Folk Festival (above) and buskers Theo and Flora Carbo entertain the crowd (above right).
Pictures: Nathan Richt