

Inquiry into aspects of Workers Compensation pages

27 Aug 02

Dear Sir/Madam,

Thank you for granting the extension of time to enable me to make a submission.

My saga started in 1996 when I injured my back while working with the N.T. Government. This injury required an operation and following the operation I had a heart attack while undergoing physio therapy on my back.

During the period that I was off work I contracted Ross River Fever, Barmah Forest Virus and Glandular Fever all of which required me to be off work for an extended period -

or possibly
When I finally returned to work my employer had restructured the work place so that I had no position and I was advised to find a job elsewhere or take a redundancy -

After 18 years with the NT Government and being 57 years old I opted for the redundancy. When I finished work I was not back at full time work which I believe now is also an issue -

With that as the back ground I will now provide some instances of what

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I believe is fraudulent or inappropriate behaviour by my employer, the employers insurer, the employers lawyer and my lawyer and various medical practitioners —

1/0 The employer accepted my workers compensation claims for my back and my heart —

• The insurer decided that they would not pay for my medication. I took them to the Work Health Court where they agreed to pay for my medication and the case was adjourned *Sine Die*.

• The insurer then asked me to withdraw the case from the court and when I refused they then advised me that they would not pay for the medication and I have now been told I will need this medication for life.

2/0 The insurer arranged for a medical examination for me which unbeknown to me was an assessment for permanent impairment. This examination resulted in an assessment that I was 7½% permanently impaired and the insurer offered me a settlement of approximately \$3000 —

• I then engaged a solicitor to whom I was referred by my work place union. The solicitor arranged an appeal and I was examined by 3 various types

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of medical experts who decided that I was 30% permanently impaired by combining my back and heart injury, 20% for my back 10% for my heart but when added together only make 28%.

• The insurer refused to pay until they were ordered to pay by the Court —

• Further medical examinations by the insurer resulted in my solicitor agreeing with the insurer that my heart problem was not as serious as originally thought and without consultation or agreement by me the heart problem was deleted from the case and I could keep the permanent impairment payout but no further payments for medication or treatment could be obtained.

3/ The case then went through a protracted but unsuccessful mediation process and then headed to the Work Health Court —

• The insurers solicitor engaged a private investigator to follow me and film me carrying out jobs which I was required to do —

• Some of the film was taken on a retirement property we are establishing 120 Km from Darwin —

To take film of me on this property the investigators were required to trespass on the property which under

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N.T. law is an offence.

This offence is subject to a 6 month statute of limitations for prosecutions purposes.

My solicitor had to go to court to get access to the film and coincidentally it was just over 6 months from the date the film was taken to the time it was released.

- My solicitor and his firm were too busy to view the film so he advised me that his wife (an unemployed solicitor) could view and report on the film for just over \$3000.
- The film taken of me was started and stopped numerous times while I was active but they managed to include two incidents of me urinating, one side on and one full frontal. Why this was required no one can explain.
- My solicitor was of the view that this film although procured illegally was damaging to my case and therefore advised me to accept a settlement which coincidentally was enough to cover his legal expenses.
- Meanwhile I have had another MRI taken of my back which shows increasing amounts of scar tissue are responsible for my increasing pain.
- I am still on painkillers which I commenced at the time of the injury in 1996.

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- I am on other drugs for anxiety and depression which is worsening due to my concerns with this offer —
- My wife is now paranoid about living on our retirement property due to the unauthorised invasion of our privacy —

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- I have had more than 15 examinations by various medical professionals and I believe that the majority of them are hopelessly biased toward the party they represent.
- One doctor claimed that "I did not show any signs of being uncomfortable when he made me wait for 30 minutes". I don't know how he could make that assertion when he was behind a closed door and I was in a waiting room alone —
- Another professional required an up front payment of \$3000 to give video evidence to the court, when the court hearing was cancelled there was a cancellation fee of \$3000, so no refund !!
- When my solicitor required a report from a doctor that doctor presented the solicitor with a bill which included GST. When the solicitor billed me there was a further GST payment put on that bill, thus I am advised is not correct but current practice —

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The instances outlined so far are only a few examples of what has occurred with my case and there is plenty more that I could detail.

In my current condition I have a big problem in getting my thoughts down on paper which I believe is due to the drugs (Alepan and Efexor) which I am required to take.

I hope that this letter is legible and makes sense, I am prepared to answer any questions that you may care to ask.

Yours Sincerely



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