

Case Study: Tragic Accident Made Worse by Harsh Laws

Nick and Josh*

The lives of two young boys were changed forever when they were involved in a tragic accident in May 2002, which claimed the lives of their parents and their younger brother.

Josh, who was just 4 years old at the time of the accident, was thrown 20 metres and broke both legs. He now has a shortened left leg due to the way in which the break has mended.

He experiences cramps in his legs and cannot do many of the things a boy of his age should be able to do.

His brother Nick, who was 6, sustained a compound fracture to his left arm and a broken wrist. He suffered a fractured pelvis, lacerations to his bladder and spleen, bruised kidneys and lungs, and head injuries.

His left arm is permanently deformed and often painful.

Nick and Josh both suffer from nightmares and are anxious and fearful. They obviously grieve for the loss of their parents and brother.

Under the MAA Guidelines, the boys' psychological and physical injuries cannot be combined and they do not meet the 10 per cent threshold which would entitle them to proper compensation for pain and suffering.



The boys are cared for by their aunt. This has placed enormous financial pressure on her and she has received little assistance from the insurance company in helping Nick and Josh to live a normal life.

"These are two young kids who have been seriously injured and are never going to have a mum and dad and brother again," the boys' aunt says.

"I can't heal their hearts, I can't heal their minds and I can't heal their scars. I want the insurance company to pay for people who can do all that – they don't want to."

Only a fair compensation system will help children like these

**The boys' names have been changed to protect their privacy.*

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