To whom it may Concern.

David, my beautiful three year old son suffered a most horrible and life changing event on October 23 1986 when he was badly brain injured in a car accident which claimed the life of his mother and sister.

David, who is now twenty five, and the rest of my family endured further hardship throughout the years leading to a Supreme Court case in 1995; at which time he was successful in achieving an award for what was then considered a ground-breaking compensation case. His compensation was carefully calculated by the Supreme Court to provide for twenty four hour care for the rest of David's life.

Initially, the treatment we received from OPC gave us hope that the long and hard battle to provide the financial support David requires was over – we were gravely mistaken!

OPC fees, if one can call them fees, are an absolute joke!

The unfair treatment David has received from OPC concerning issues such as Cross-subsidisation, exorbitant yearly fees and the endless beauracratic buck passing have now put the affordability of his future care in doubt. His finances would be in great shape, sufficient to last him into old age if not for the enormous sums he has paid in documented as well as undocumented fees.

David has paid a staggering $700,000.00 to OPC for the minimal service they provide. Don't get me wrong, David requires no more services from the OPC than he gets, he just requires respite from the continual onslaught to reef fees from his assets.

Why should David and the so-called asset rich clients bear the cost of OPC funding shortfalls? It seems to me from what I have read about this issue that many have expressed a view, with which I fully concur, that payments awarded to OPC clients, such as David, are based on their life-time care needs – not to provide a quassia welfare system to support those who cannot afford a fee for service.

I believe it is reasonable for the OPC to charge fees to provide a service, but at no stage did anyone suggest that once David's funds came under OPC management that he, and others like him, would be subsidising anybody or anything. If they had we could have requested that the Supreme Court include the cost of such an arrangement in David's settlement.

Professor Annie Mclusky of the University of Western Sydney in her 2004 report commissioned by the RTA and involving OPC's input concerning care costs for people with acquired brain injury clearly states that care costs for clients such as David are appropriate for his level of disability.

The cause for any short-fall in David's ability to meet his future care costs do not lie with the Supreme Court of NSW, which awarded his compensation, nor with our family which has been extremely diligent and prudent with regard to expenditure on his care; it lies with the OPC. OPC's fee structure and its patently unfair use of the funds it has drawn down from the Common Fund in the past, along with their continued disregard for the adverse impact of charging incredibly exorbitant fees, has put David's finances in their current state.

Allow me to illustrate how much service is provided to David by OPC and ask if any reasonable person would conclude that the $50,000 or so he pays each year in documented fees is fair.

The sum total of OPC's service to David is:

(1) Once a week OPC processes an invoice for David's care costs and deposits the funds from his working account into a bank account.

(2) Once a month OPC processes a claim for re-imbursement of money spent on David’s day-to-day expenses and deposits those funds from his working account into a bank account.

(3) Once a Year OPC compiles David’s tax return.

All other “services” David receives are on a user pays basis. A court Visitor, for instance, is an additional charge.

If this determined the extent of the problem David confronts it would be bad enough, but the financial rorting of David’s funds by the OPC since 1995 is much worse.

With no qualifications in accountancy it is difficult for me to say exactly how much David previously paid in excess of the documented fees he was charged each year to prop-up the OPC’s operating costs. My best guess (based on the value of the Common Fund and what I know of David’s assets) would be about $2.5 million over the past thirteen years; taken by way of a back-door method of accounting through a 1% draw down of money from the Common Fund which is totally opaque to outside scrutiny.

When I request information to find out the dollar value that has affected David I am told, “OPC fees are determined by The Protected Persons’ Act.” How does such an answer help me understand the dollar amount that was taken from David during the period Cross-subsidy formed part of OPC funding? Isn’t David entitled to know the amount he has contributed over the years in Cross-subsidy?

What cross-subsidy has done to David is ruin his chance of a comfortable life into his later years – what the OPC has done in this respect is disgusting and someone should have the moral fortitude to put it right!

Improvements in OPC’s accounting procedures are needed to ensure that significant errors do not go undetected.

To illustrate this point, in David’s 2007 expenditure report I noticed that the amounts for the items listed did not add up correctly. OPC had taken in error an additional $61,953.00 from his account for which there was no expenditure item.

After I brought this to their attention I was told that the problem related to human error. I was never given an explanation of how a spread-sheet, detailing David’s expenditure for 2007, could contain such an error. It appeared to me that a blank cell labelled “Other Expenses (List)” contained the extra $61,953.00 taken from his account – despite my request I was never told what that blank cell represented.

If I had not manually checked the total of David’s expenditure that year he would have been out-of-pocket by $61,953.00!

I wonder how many other significant errors there are concerning David’s accounts.

I encourage other OPC clients to check past expenditure statements for errors.

IPART seeks comment on what needs to change.

(1) Stop back-door accounting, which is opaque to all except the OPC.

(2) Be proactive and inclusive about OPC financial and management practices. A community representative should be appointed to the OPC board and provide regular and independent views to clients in an OPC News Letter.

(3) Stop the adversarial approach to families in relation to client management.

(4) Reimburse the difference, to those so affected, paid to the OPC for the establishment fee, which was once based on a percentage of a client's funds, compared to the capped fee currently paid for this service.

(5) Reimburse to those adversely affected the amount paid in Cross-subsidy.

(6) Stop introducing major changes to OPC procedures for no good reason.

(7) Introduce a fee for service based on services actually provided.

(8) Cap the yearly fee to no more than $10,000.00 regardless of a client's wealth.

(9) Abolish fees based on commission.

(10) Provide details in the financial statements of every dollar earned and spent– keep nothing secret.

On behalf of David Mundy and his family I have no objection to the views expressed in this submission being made public.

Yours sincerely,

John Mundy.