

What you need to know

Road accident injuries



Did you know if a member is injured in a motor vehicle accident they could be entitled to make a Transport Accident Commission (TAC) claim?

Follow our top 10 commonly asked questions to make sure members are protected in the case of an accident:

1 Can a member make a claim?

Yes. If a member has suffered an injury in a motor vehicle accident, or has been involved in an accident caused by someone else, then they may be able to make a TAC claim to obtain compensation for things like:

- medical and rehabilitation expenses
- loss of wages
- compensation for permanent injuries.

2 What injuries are covered?

All injuries, are covered as long as there is a connection between the injury and the motor vehicle accident. This can include:

- fatal injuries (claims can be made by dependants or estates)
- pre-existing injuries made worse by the accident, and
- psychological conditions caused by the accident (including witnesses).

3 Will medical bills be covered while the claim is in progress?

Yes. When a claim is accepted, the TAC normally covers all private hospital, medical and pharmaceutical expenses.

Some examples of these expenses include:

- physiotherapy
- hydrotherapy
- home and vehicle modifications
- gym/swim programs
- hire of wheelchairs
- crutches, and
- counselling.

Travel expenses to attend medical or rehabilitation appointments can also be claimed.

Maurice Blackburn can assist members by ensuring medical expenses are paid in full by the TAC.

4 What types of accidents are covered?

The member can make a claim for all accidents, such as:

- any injuries to a driver
- any injuries to a passenger in an accident (whether single or multiple car)
- a pedestrian hit by a vehicle
- a cyclist hit by a vehicle or an opening door of a vehicle
- a motorcyclist hit by a vehicle
- any injuries caused by a defect in the vehicle, which caused the vehicle to run out of control
- a person who witnesses one of these accidents
- a collision between a cyclist and a stationary vehicle
- a family member who suffers psychological injury in the immediate aftermath of the accident, and
- the dependents of someone who dies in an accident.

Note: Vehicle registration is not always necessary to have an accepted TAC claim.

5 How can a members make a TAC claim?

The member will need to lodge the initial claim with the TAC within 12 months of the accident. This can be done by calling the TAC on 1300 654 329. The TAC has a discretion to accept a claim up to three years after the date of the transport accident. Longer times limits apply for minors injured in transport accidents.

Maurice Blackburn will assist members to access their medical expenses and income payments. Maurice Blackburn will also maximise entitlements to compensation including impairment and common law damages claims.

Warning! Members should seek legal advice as early as possible after the accident. It doesn't cost members anything to find out where they stand. Strict time limits apply, so if a member leaves it too long they may lose what they're entitled to.

6 How long will the claim take?

It depends. While all cases are different, most successful claims are resolved 1–2 years after the injury stabilises. There is only one claim. Maurice Blackburn works to maximise the claim. This may seem like a long time, but it's important not to finalise a claim too early as all of the losses may not be clear at an early stage.

7 Will a member have to go to court?

Probably not. More than 99% of claims are resolved without going to court.

8 What other losses can members claim?

The member may be able to claim compensation for:

- pain and suffering and loss of enjoyment of life
- past or future income.

These are called 'damages'. Maurice Blackburn lawyers can talk members through how these are calculated.

9 If someone dies in an accident, can anyone else make a claim?

Yes. In cases where a person dies in a motor vehicle accident, the family members of that person can claim for the loss of the income they depended upon.

In some circumstances, family members may be able to make a claim for their own psychological injury.

If there are no dependants, the deceased's estate can claim for payment of funeral and burial/cremation expenses.

10 Are members suing the other driver directly?

Yes, technically if a member is pursuing a common law claim they are suing the negligent driver by name. However, the TAC stands in the shoes of the negligent driver and is responsible for responding to the claim and paying compensation and legal costs.

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	Bendigo	03 5444 4969	Reservoir	03 9462 2608	
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