

---

# Traffic Accident

---

## Compensation

Making a TAC Claim  
for injury as a result  
of a traffic accident

No Win No Fee

**OR** Expenses\*

\*Conditions apply

Personal injury claims WorkSafe Traffic injury claims Comcare Seacare  
Accidents in public Asbestos Institutional abuse Family law Criminal charges  
Wills & probate Employment & industrial law Equal opportunity Antidiscrimination  
Superannuation claims Crimes compensation Small business advice

**rct**  
RYANCARLISLETHOMAS  
LAWYERS

Stringer  
**Clark**  
LAWYERS

*We're on your side*



# TAC: Am I covered?

If you have been injured as the result of a motor vehicle accident in Victoria, you may be entitled to substantial compensation under the Transport Accident Act.

The Act also covers Victorian residents who have an accident in another state or territory, provided that the vehicle was registered in Victoria and you were the driver of, or a passenger in, the vehicle.

If you were injured on a train or tram, or you collided with the opening door of a motor vehicle while riding a bicycle, you can also claim for compensation.

If you were dependent on another person who has died as a result of a motor vehicle accident, you will also be entitled to receive benefits from the TAC.

This brochure explains your rights under the TAC system. If you decide to apply for compensation, a good lawyer can make lodging a TAC claim relatively quick and inexpensive.

Our lawyers are happy to offer you a free, no obligation initial consultation as part of the Ryan Carlisle Thomas and Stringer Clark service.

“ A good lawyer can make lodging a TAC claim relatively quick and inexpensive ”

# How to make a claim

---

## 1. Report the accident

- A simple rule: you must report your accident to the police. The TAC cannot accept your claim unless the accident has been reported. If you did not report the accident at the time it occurred, you should attend your local police station to report the accident as soon as possible.

## 2. Lodge a TAC claim

- Call the Transport Accident Commission on 1300 654 329 or, if calling from outside the Melbourne metro area, on 1800 332 556 to lodge your claim over the phone. The TAC will mail you a hard copy of the claim form to check and complete. Time limits apply on lodging a claim, so call as soon as possible after the accident.

## 3. What if my claim is unsuccessful?

- If the TAC rejects your claim, you are entitled to an explanation. You should always contact your lawyer to discuss whether to appeal the decision.



# What are the benefits?

## Medical expenses

If your injury or illness is a result of a transport accident, or has been aggravated by a transport accident, you can claim medical expenses, including medical treatment, rehabilitation services, disability services, travel and household support services.

If you require housekeeping, home help or gardening assistance, you should ask your doctor to stipulate this on your medical certificate.

## Medical excess

If you were admitted to hospital as an inpatient for one day or more, no medical excess applies.

If you do not go to hospital, the TAC will start paying your medical expenses once you have paid the first \$584.00. (This amount may change yearly.)

You should have these expenses paid through Medicare. Keep a list of all your expenses so that you can inform the TAC when the excess has been met.

“ The TAC will also consider promotions or increases that you may have secured ”

# Weekly payments

## Loss of earnings

If you require time off work, or you arranged to commence employment but are unable to do so as a result of your injuries, you will be entitled to loss of earnings benefits.

These benefits are calculated at 80% of your gross pre-accident weekly wage and then income tax is deducted. The first five working days are not covered except in cases of severe financial hardship.

Medical certificates stating you are unfit for employment must be supplied. Should you fail to provide medical certificates, the benefits will cease.

If you are able to work reduced hours or modified duties and suffer a partial loss of earnings, you may also be compensated for that loss.

Loss of earning benefits are payable for a maximum of 18 months from the date of the accident. The maximum amount payable is \$1,170.00 nett per week, subject to indexation.

## Loss of earning capacity benefits

If you are still unable to work 18 months after the accident, you may be entitled to loss of earning capacity benefits even if you were not working at the time the injury occurred.

Loss of earning capacity benefits are based on an estimate of your pre-accident earning capacity as assessed by the TAC. The TAC will also consider promotions or increases that you may have secured if you were still employed.

The maximum amount payable is \$991.00 (indexed) nett per week and, unless you are found to have a permanent impairment of 50% or more of the whole person, the payments cease three years after the accident date.

# Lump sum claims

## Lump sum no fault impairment benefits

Once your condition has stabilised, your injury will be assessed against the American Medical Association Guidelines.

If you have a permanent impairment affecting 11% or more of your body, you will be entitled to a lump sum impairment benefit. You are entitled to this benefit regardless of who was at fault in the accident.

For accidents occurring on or after 16th December 2004, an injured person with 11% impairment is entitled to \$5,600.00 (indexed) plus approximately \$1,260.00 for each additional percentage point.

Here is a rough guide:

15% impairment	\$11,900
25% impairment	\$27,970
30% impairment	\$32,270

## Lump sum deadlines

Lump sum impairment and damages claims must be pursued within 6 years of the date of the injury or your right to pursue a lump sum could be lost forever.

## Common law rights and entitlements

Under the Transport Accident Act, serious injury is defined as 30% whole person impairment, or:

- serious long term impairment or loss of a body function;
- permanent serious disfigurement;
- severe long term mental or severe long term behavioural disturbance or disorder;
- loss of a foetus.

In assessing the seriousness of your injury, the TAC will consider how your injuries have affected your capacity to earn income and your enjoyment of life. You should consult your lawyer about this aspect of your claim to obtain expert advice.

If you are found to have a serious injury, the maximum amount payable for pain and suffering is \$487,100 and the amount payable for loss of income is \$1,096,020 with a minimum threshold of \$48,690. These amounts are subject to indexation.

Even after your common law claim is resolved, you will still be entitled to claim for ongoing medical and other expenses in accordance with the Transport Accident Act.

## Fatal accident claims

If a person is killed in a motor vehicle accident that is partly or wholly someone else's fault, their dependants may make a common law claim for damages. This claim can include loss of income and services provided by the deceased, up to \$797,820.

Even if the accident was the deceased's fault, "no fault" benefits may be available to dependants.

These include a lump sum of up to \$164,690 based on the age of the deceased, plus a weekly payment of up to \$1,170.00 based on the earnings of the deceased person. These amounts are subject to indexation.

Weekly payments are payable for up to five years to the spouse of a deceased person. If there are dependent children, payments continue until they are 16 years old (or 25 if they are full time students). If the deceased was the full-time carer of children prior to the accident, the TAC will contribute to the costs of child care.

The TAC will also pay reasonable funeral costs directly to the funeral directors.



ROUGH  
SURFACE

NO



“ If your claim is unfairly rejected, or you wish to make a no fault or common law claim for lump sum compensation, you will need expert legal advice. ”



# Can benefits be refused?

Yes. You may not be eligible for loss of earnings benefits if you:

- Did not have a valid licence at the time of the accident.
- Are the vehicle owner and have failed to pay the TAC charge.
- Have been convicted of using the vehicle in a criminal activity.

## Impact of blood alcohol level

Your entitlement to loss of earnings benefits may be reduced if you were convicted of driving the motor vehicle under the influence of alcohol, unless you can show that the presence of alcohol did not contribute in any way to the accident.

Benefits are reduced as follows:

- One third reduction if the blood alcohol reading was more than .05 and less than .12.
- Two thirds reduction if the blood alcohol content was more than .12 and less than .24.

No benefits if the blood alcohol content was .24 or more.

# Can I appeal?

Appeals must be lodged within 12 months of a TAC decision.

You may appeal if the TAC rejects all or part of your claim, ceases or reduces your payments, or provides an inadequate assessment of your impairment.

If your claim is unfairly rejected, or you wish to make a no fault or common law claim for lump sum compensation, you will need expert legal advice.



# Fees

Under our *No Win No Fee OR Expenses\** policy on fees and out of pocket expenses, we will waive our fees if you don't win a case we have agreed to fund and pick up the tab on your out of pocket expenses. Out of pocket expenses are counted as medical reports, court fees and many other expenses other firms would typically require you to pay in the event the case was lost.

The terms of our policy will be fully explained to you during your first free consultation.

# Our record

We have prosecuted more than 60,000 successful injury claims and are respected as an industry leader.

# Our philosophy

We believe in listening, advising and, when instructed, fighting for you. Our team takes client care seriously. We're always there for you. Always on your side.

# Our offices



In 2007, Ryan Carlisle Thomas joined forces with leading regional law firm, Stringer Clark, to create Victoria's biggest legal network.

## Ryan Carlisle Thomas offices

### Ballarat

29 Lydiard Street Sth  
p: 5226 3654  
e: ballarat@rct-law.com.au

### Bayswater

Suite 11, 653 Mountain Hwy  
p: 8792 7555  
e: bayswater@rct-law.com.au

### Castlemaine

13 Hargraves St  
p: 5226 3654  
e: castlemaine@rct-law.com.au

### Cranbourne

98A High St  
p: 8792 7590  
e: cranbourne@rct-law.com.au

### Dandenong

41 Robinson St  
p: 9238 7878  
e: dandenong@rct-law.com.au

### Epping

1st Floor, 813 High St  
p: 9240 1466  
e: epping@rct-law.com.au

### Frankston

142 Young St  
p: 8792 7580  
e: frankston@rct-law.com.au

### Geelong

127 Myers St  
p: 5221 6266  
e: geelong@rct-law.com.au

### Glenroy

Suite 102, 2A Hartington St  
p: 9240 1432  
e: glenroy@rct-law.com.au

## Stringer Clark offices

### Ararat

165 Barkly St  
p: 5352 1866  
e: ararat@stringerclark.com.au

### Cobden

17 Curdie St  
p: 5500 6250  
e: cobden@stringerclark.com.au

### Colac

13 Murray St  
p: 5231 6955  
e: colac@stringerclark.com.au

### Hamilton

44 Brown St  
p: 5571 2528  
e: hamilton@stringerclark.com.au

### Melbourne

Level 10, 533 Little Lonsdale St  
p: 9240 1414  
e: melbourne@rct-law.com.au

### Melbourne

27-29 Leicester St  
p: 9240 1460  
e: anf@rct-law.com.au

### Melton

112 McKenzie St  
p: 5226 3680  
e: melton@rct-law.com.au

### Narre Warren

2 Malcolm Crt  
p: 8792 7545  
e: narrewarren@rct-law.com.au

### Pakenham

114 Main St  
p: 8792 7570  
e: pakenham@rct-law.com.au

### Traralgon

Lvl 1, 55 Grey St  
p: 8792 7550  
e: traralgon@rct-law.com.au

### Werribee

67 Watton St  
p: 5226 3666  
e: werribee@rct-law.com.au

### Wonthaggi

45 McBride Ave  
p: 8792 7560  
e: wonthaggi@rct-law.com.au

### [www.rct-law.com.au](http://www.rct-law.com.au)

[enquiries@rct-law.com.au](mailto:enquiries@rct-law.com.au)

### Horsham

40 McLachlan St  
p: 5382 2244  
e: horsham@stringerclark.com.au

### Portland

10 Henty St  
p: 5523 1288  
e: portland@stringerclark.com.au

### Warrnambool

129 Timor St  
p: 5562 5733  
e: warrnambool@stringerclark.com.au

### [www.stringerclark.com.au](http://www.stringerclark.com.au)

[enquiries@stringerclark.com.au](mailto:enquiries@stringerclark.com.au)

“ We’re fighting  
for you ”

No Win No Fee

**OR** Expenses\*

\*Conditions apply

**rct**  
RYANCARLISLETHOMAS  
LAWYERS

Stringer  
**Clark**  
LAWYERS

*We're on your side*