I have been injured in a transport accident. Can I make a compensation claim?

The Transport Accident Commission (TAC) is a Victorian Government-owned organisation set up to pay compensation to people injured in transport accidents. A transport accident includes accidents due to the driving of a motor vehicle, tram, train or bus. It also includes claims by cyclists who are injured on the way to work by colliding with an open car door of a stationary car.

A person who is injured in a transport accident is entitled to assistance from the TAC scheme if:

» the accident occurred in Victoria
» the accident occurred outside Victoria (but in Australia) and involved a Victorian registered motor vehicle and at the time of the accident the injured person was:
  › a Victorian resident, or
  › the driver of or a passenger in, the Victorian registered vehicle.

A person who was dependant on another person who dies as the result of a transport accident is also entitled to receive TAC benefits.

How do I make a TAC claim?

You can lodge a claim form with the TAC, by calling the TAC on 1300 139 076 and informing them of the accident. The TAC will then send out a completed form that must be carefully checked, signed and returned to the TAC.

How long do I have to make a TAC claim?

You must lodge a claim form with the TAC within one year of the date of the injury. In exceptional circumstances you can obtain an extension of time up to 3 years from the date of the injury to lodge a claim.

What benefits am I entitled to?

If your TAC claim is accepted you are entitled to claim:

» medical and like expenses related to the injury
» weekly payments for time you are off work or working at a reduced capacity
» an impairment benefit.

What do I do if my claim is rejected or the TAC won’t pay my entitlements?

If you disagree with a decision made by the TAC about any of your entitlements, you have the right to dispute that decision. You will need to issue a notice of dispute with the TAC and attend a dispute resolution conference. If your matter does not settle at the meeting, you can apply to the Victorian Civil and Administrative Tribunal (VCAT) to review the TAC’s decision.

You have 12 months from becoming aware of the TAC’s decision to lodge a notice of dispute with the TAC and to appeal to VCAT.

What is an impairment benefit claim?

If you are left with a permanent impairment because of your work injury you may be entitled to a lump sum payment. To obtain a payment for your impairment benefit, you must have a whole person impairment of more than 10%.

Can I sue for compensation?

If you suffer a “serious injury” as a consequence of someone’s fault or negligence you may be entitled to sue for both loss of earnings as well as pain and suffering damages. This is known as a common law claim and must be commenced within 6 years of the date of injury.