



TAC death benefit claims after a road accident in Victoria

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Losing a loved one is a traumatic time in a person's life. In addition to grief and loss, there are often financial and practical challenges to consider. If you lose a loved one in a motor vehicle accident, the Transport Accident Commission (TAC) has several benefits that surviving partners, child dependents, and guardians can access.

If you were reliant on the deceased for financial support, you may be eligible for TAC death benefits. If the deceased person was married or in a de facto relationship, dependency benefits will be paid, in the first instance, to that partner. If the deceased person had children and was the only surviving parent of those children, dependency benefits may also be payable to the children.

What is the TAC?

The Transport Accident Commission (TAC) is a government agency that provides compensation to people who are injured or killed in motor vehicle accidents in Victoria.

What are TAC death benefits, and who is eligible?

TAC death benefits can help to cover the costs of funeral expenses, counselling and financial support for dependents. You will be eligible for TAC death benefits if you were reliant on your spouse, partner or parent for financial support, where they passed away in a motor vehicle accident.

TAC death benefits for a surviving dependent partner

If your spouse or domestic partner, who was contributing to your family's income or caring for your children, dies in a motor vehicle accident, the TAC can help you cope with financial support.

The TAC defines a 'domestic partner' as someone you were in a registered relationship with or someone you lived with as a couple. A 'surviving dependent partner' means a partner of a person who has died because of a motor vehicle accident, regardless of gender or marital status.

As a surviving dependent partner, if you were wholly, mainly or in part dependent on your deceased spouse or domestic partner for financial support, TAC death benefits would be available to you.

Similarly, if you were a surviving dependant partner who was wholly dependent on your deceased spouse or domestic partner for the care of your children or the children of the deceased, you will be eligible for TAC death benefits.

Compensation payable for surviving dependent partner

For a surviving dependent partner, the TAC can provide compensation in the form of:

Funeral and monument expenses

The TAC will contribute up to \$18,170* (including GST) towards the cost of the funeral.

Family counselling support

You can access this benefit where the counselling provided is from a doctor, registered psychologist or qualified social worker. The TAC will pay up to \$19,280*.

A one-off lump sum payment

Depending on your age, family circumstances and any previous impairment payments, you may be eligible for a one-off lump sum payment of up to \$216,130*. Guardian Injury Law can assist you to maximise the amount of compensation following the death of your loved one.

[Free advice to find out where you stand: 1300 700 761](#)

Income support

The TAC can pay a fortnightly 'pension' benefit. The amount of this benefit is dependent on how much the deceased was earning prior to the motor vehicle accident. If they were employed and providing financial support to the family, the TAC may pay 80% of the deceased's earnings, up to a maximum of \$1,540* gross per week.

Domestic assistance

If your partner was caring for children or responsible for household duties, the TAC may also pay for or contribute to the cost of employing a person to help with childcare and household tasks.

TAC death benefits for surviving dependent children

If both parents, a sole parent or a supporting parent, died in a motor vehicle accident, payments can be made for the dependent children. For accidents on or after 6 July 2022, if both of a child's parents die in the same transport accident, the child will receive the payments for each parent who died in the accident.

A surviving dependent child is defined as being either a child under the age of 18 or a person aged between 18 to 25 if they are a full-time student or apprentice who would be wholly, mainly or partly dependent on the deceased for financial support. A surviving dependent child will not be eligible if they have a spouse or domestic partner.

Compensation payable for surviving dependent children

For a surviving dependent child, the TAC can provide compensation in the form of:

Funeral and monument expenses

The TAC will contribute up to \$18,170* (including GST) towards the cost of the funeral.

Family counselling support

Dependent children can access this benefit when the counselling provided is from a doctor, registered psychologist or qualified social worker. The TAC will pay up to \$19,280*.

A one-off lump sum payment

Depending on the age of the child(ren) and family circumstances, dependents may be eligible for a one-off lump sum benefit payment of up to \$216,130*. If the child(ren) is under the age of 18 years, the State Trustees will hold this money for them until they are 18 years of age. If there are other dependent children, the lump sum will be divided equally between each child.

Income support for guardians

The TAC may pay an ongoing benefit of \$217* gross per week to a guardian of the surviving dependent child until the child turns 18 years of age.

Education allowance

The TAC may also pay up to \$3,440* per year to the guardian of the surviving dependent child up until the child turns 18 years of age or is no longer a full-time student. These funds are to be used for the education of the child.

Death benefits after witnessing the death of a loved one in a motor vehicle accident

Where you or a family member has suffered a psychological injury as a result of witnessing the accident that caused the death of your loved one, you may be entitled to make your own [TAC claim](#). This can include compensation from the TAC for a lump sum amount, income support and medical expenses. It is imperative that you contact Guardian Injury Law for clear legal advice to guide you through this process.

Get help from a TAC lawyer

If you've lost a loved one in a motor vehicle accident in Victoria, it's important that you seek legal advice to ensure you access all the benefits available to you. Guardian Injury Law is highly experienced in TAC claims. We offer no win, no fee options, and your first appointment is free – so it costs you nothing to find out where you stand.

Contacting Guardian Injury Law

[1300 700 761](tel:1300700761)

enquiries@guardianinjurylaw.com.au

Amber Community – road trauma support services Victoria

We understand that obtaining much-needed financial assistance and legal advice after losing a loved one may not be the only support you need after experiencing these difficult times. At Guardian Injury Law, we are committed to using a trauma-informed approach with all our clients and actively working with their support network.

If you are seeking assistance and support to address the trauma you are experiencing as a result of a motor vehicle accident, we recommend contacting [Amber Community](#).

Amber Community is a not-for-profit organisation that facilitates various support options for people affected by road trauma to contribute to the safety and wellbeing of Victorian road users. Amber Community can be contacted on [1300 367 797](tel:1300367797).

** Compensation amounts quoted are current as at August 2023*

This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.