



3 things to know when claiming TAC benefits after a road accident

Author: [Tanya Neilson](#)

Email: tanya@guardianinjurylaw.com.au

Date: Monday December 20, 2021

If you have been injured in a motor vehicle accident it can be an overwhelming time, often filled with uncertainty and conflicting advice. In this blog, we explore our top 3 things to prioritise immediately after a road accident, from lodging your TAC claim to seeking medical treatment and ensuring you claim everything you're entitled to.

At Guardian Injury Law, we often see the client's some years after their accident who say... "I wish I had known this at the start!" which has led us to share these vital tips.

1. Lodge a claim with the Transport Accident Commission (TAC) and monitor its progress

It is absolutely crucial that you lodge a claim with the TAC. This can be done by calling 1300 654 329 or [completing the online claim form here](#).

If you have been admitted to hospital following your motor vehicle accident, a claim should have been lodged on your behalf. It pays to double-check with the TAC that your claim is accepted.

Strict timeframes to lodge your TAC claim

The TAC requires that claims are lodged within 12 months of the motor vehicle accident occurring or when you first became aware of the injuries.

If the 12-month timeframe has passed, the TAC has discretion to accept claims up to three years following the motor vehicle accident, however, there needs to be exceptional circumstances for this to occur.

When your claim is accepted or rejected...

If your TAC claim is accepted, you are able to [access entitlements such as medical and like expenses, lost wages and lump sum compensation.](#)

If your TAC claim is rejected, it is important that you seek legal advice as there may be grounds to challenge the TAC's decision. You have 12 months from the date of the TAC's decision in which to lodge a dispute application. Once the 12 months has passed, you are unable to challenge the decision and it is binding.

2. Find a good GP

A good GP can make all the difference when recovering from a motor vehicle accident and navigating the TAC system.

You should see your own GP as soon as possible after the motor vehicle accident and ensure that you notify them of the accident as well as any injuries or concerns that you may have.

If you are unable to work due to the motor vehicle accident and the injuries sustained, you should obtain a "TAC certificate of capacity" from your GP. This should be provided to both your employer and the TAC to ensure that you obtain lost wages or loss of earning benefits (LOE benefits).

Keep your GP updated on any new injuries or concerns that arise during the course of your claim

Ensure that you schedule regular appointments with your GP to make sure you are receiving the appropriate care and support. Remember to notify your GP of any additional injuries or concerns that may develop down the track, including psychological injuries. If your GP doesn't know about them, the TAC will have difficulty accepting these injuries down the track and providing appropriate compensation.

Discuss your other non-medical needs like home help for domestic duties

You should also speak with your GP about claiming all relevant and necessary medical and like expenses. Along with treating doctor's visits, surgery and medication, the TAC can fund home help services such as cleaning and gardening, home and vehicle modifications, firewood and other services to make our life a little bit easier. For the TAC to consider funding these items, they need

a request from your treating GP.

3. Claim all your entitlements

An accepted TAC claim entitles you to a variety of benefits. You can [learn more detail about all the benefits available here](#).

Medical expenses

After a motor vehicle accident, you may be advised to access treatment such as physiotherapy, psychological sessions, medication or chiropractic treatment to assist in your recovery. To ensure the TAC are aware of the severity of your injuries and the necessity of your treatment, it is crucial that you have your GP request the treatment from the TAC and you then claim the cost of the treatment from the TAC.

Sometimes, we meet with clients who are tired of dealing with the TAC and decide they will fund medical treatment themselves. Whilst this might initially seem like a simpler path to take, it can cause problems down the track, such as an inability to continue paying for the required treatment. Then, when the cost of the treatment is eventually requested from the TAC, they may deny the cost on the basis there has been a gap in treatment.

If the TAC denies funding the cost of a medical and like expense such as physiotherapy, rehabilitation or surgery, you have 12 months from the date of the TAC's decision in which to lodge a dispute application with the TAC. Once this date has passed, the TAC's decision is binding and unable to be appealed.

Loss of wages/earnings

If you are unable to work or can only work reduced hours due to the injuries sustained in the motor vehicle accident, you can access loss of earnings from the TAC.

For the first 18 months, you are entitled to 80% of your pre-accident earnings. If you are unable to work after the first 18 months, you may be able to access a further 18 months of lost wages, also at 80% of your pre-accident earnings. If you are still unable to work after 3 years, you can only access ongoing loss of earnings if you are assessed as having a greater than 50% whole person impairment in accordance with the 4th edition of the American Medical Association Guides.

If your payments are terminated by the insurer at any time, it's crucial that you seek legal advice.

Lump-sum payment for permanent impairment

If your injuries become permanent, you may be able to access a lump sum payment called an impairment benefit claim. Your injuries do not need to have occurred in negligent circumstances.

To access this compensation, your injuries need to be assessed by an independent medical examiner as having a 10% or more whole person impairment in accordance with the 4th edition of the American Medical Association Guides.

At Guardian Injury Law, we are skilled at understanding your injuries and providing advice to ensure your lump sum or impairment benefit entitlements are maximised.

Common law damages claim

Common law entitlements are available if you have sustained permanent injuries in a motor vehicle accident. Your injuries need to have occurred in negligent circumstances and meet the 'serious injury' definition.

If these criteria are met, then you are entitled to pain and suffering damages; a lump sum payment. You may also be entitled to past and future lost wages and super if you are unable to work due to the injuries arising from the motor vehicle accident.

You can [learn more detail about common law claims here](#).

Seek advice from a TAC car accident lawyer to protect your interests

And of course, the point that goes without saying is to seek legal advice as soon as possible to ensure that you understand your rights and entitlements under the TAC system.

At Guardian Injury Law we will meet with you and provide plain English legal advice, conduct work on your file on a no win, no fee or expenses basis and support you every step of the way to ensure your entitlements are maximised

Contacting Guardian Injury Law

[1300 700 761](tel:1300700761)

enquiries@guardianinjurylaw.com.au

Amber Community – road trauma support services Victoria

At Guardian Injury Law, we are committed to using a trauma-informed approach with all our clients and actively working with their support network after involvement in a road accident in Victoria.

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](#).

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.