



TAC claims for injured cyclists

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If a cyclist has been injured in Victoria whilst riding a bicycle, they may be able to lodge a [TAC claim for lump sum compensation and other benefits](#). In this blog, we explore the TAC benefits available to cyclists injured in a motor vehicle accident in Victoria.

When are cyclists covered for TAC benefits?

Not all accidents involving pushbikes are covered by the TAC.

If you are injured in an accident whilst riding a bicycle and that accident was caused by the driving of 'motor vehicle' you can make a TAC claim. Motor vehicle is defined to include cars, motorcycles, buses, trains and trams.

Similarly, if you had an accident on your bike with a stationary motor vehicle or you experienced a car dooring, you may also have the right to make a TAC claim.

When are cyclists not covered for TAC benefits?

One of the prerequisites for cover is that the accident occurred between a bicycle and a motor vehicle. That means, if you are in an accident with either another cyclist or a pedestrian, it is unlikely you will have a right to make a claim through the TAC.

In limited circumstances, however, there may be a claim if, for example, another cyclist collided with a vehicle and then that cyclist collided with you. That is, you did not directly collide with the vehicle yourself. In that situation, you may have a claim. You must always consider if the bicycle accident occurred due to the use of a motor vehicle. Claims like this can be complicated and it is crucial you seek legal advice about your options.

There are also exclusions if a cyclist is participating in an organised sporting race or speed test at the time of the accident.

If you are not sure whether your pushbike accident would qualify you for a TAC claim, you should seek legal advice.

[Seek legal advice to protect your rights: 1300 700 761](#)

Can the TAC pay for the damage to my bike?

The TAC will not pay for damage to your bike, even if you were not at fault. You would have to seek property damage compensation from the person who caused the accident.

Lodging a TAC claim after a cycling accident

The first step to being able to claim any compensation for injuries sustained in a road accident is to lodge a TAC claim.

You have 12 months from the date of your accident, or from the date on which an injury from the accident first becomes evident, to lodge a claim. Lodging your claim as soon after the accident as possible is a good idea. This can be done on the TAC website or with the assistance of a lawyer.

[It costs you nothing to find out where you stand: 1300 700 761](#)

What TAC compensation is available after a cycling accident?

If your TAC claim is accepted, there are a number of potential entitlements you may be eligible to receive.

- Medical and like expenses;
- Loss of earning capacity benefits (weekly payments);
- Travel expenses; and
- Lump sum compensation.

Medical and like expenses

This category of benefit covers the cost of treatment for injuries and services required following a road accident.

Examples of some of the treatments the TAC can cover include:

- Hospital treatment;
- Ambulance cover;
- Specialist appointments, including but not limited to, physiotherapy, chiropractor, podiatry, osteopathy, exercise physio, optometry;
- Medication;

- Mental Health support.

Generally speaking, there is no limit on the amount of expense that can be claimed through the TAC although prior approval must be sought for some treatment. The injured person must, however, be able to demonstrate a connection between the injuries sustained in the accident and the treatment being sought.

The 'like' expenses can cover costs such as domestic help if you are unable to clean your home while you recover from your injuries or other similar expenses.

You are also entitled to claim the cost of travel expenses to and from medical appointments related to your injuries. If you live far away from any treatment providers, you may also be able to claim the cost of accommodation while you receive treatment.

It is important to know that there is also a process to review any decisions made by the TAC to reject your entitlement to specific medical treatment.

[Has your TAC claim been rejected? Get advice: 1300 700 761](#)

Loss of earning capacity benefits – weekly payments

If you were working at the time of your bike accident and you are unable to work for more than five days following the accident, you may be entitled to claim loss of earning benefits (weekly payments) while you recover from your injuries.

In order to claim weekly payments, you will require a special certificate from your doctor certifying your incapacity to work. This is called a 'Certificate of Capacity'.

The TAC assesses a person's eligibility for loss of earning benefits on a case-by-case basis. These benefits are generally paid to eligible persons at 80% of their average weekly earnings based on the person's earnings over the 12 months before the accident, however, there are caps on the amounts that can be paid.

Lump sum compensation

If your injuries are of a more serious nature and expected to last in the long term, you may be entitled to lump sum compensation in the form of either an impairment benefit or a common law claim.

These types of entitlements can potentially be sizeable and are difficult claims to navigate successfully without a lawyer.

What if my TAC claim is rejected?

It is important to understand that if your TAC claim is not accepted in the first instance, there is a process to be able to request a review of that decision.

If your TAC claim is rejected, you should seek advice and assistance from a lawyer experienced in motor vehicle accident claims, to maximise the potential of a successful appeal.

Why you should engage a TAC car accident lawyer

At Guardian Injury Law, we know how stressful the time after an accident can be for you and your family. We will listen to you, advise you on all of your potential entitlements and ensure you get ALL the compensation you deserve, not just what the TAC offers you in the first instance.

Call us to obtain legal advice on a "no win, no fee" basis – 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

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](tel:1300367797).

Further reading

- [3 things to know when claiming TAC benefits after a road accident](#)
- [TAC claims – eligibility and benefits](#)
- [TAC common law claims](#)

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.