



Can I appeal a TAC decision I don't agree with?

Author: [Tanya Neilson](#)

Email: tanya@guardianinjurylaw.com.au

Date: Monday January 23, 2023

If you have been injured in a road accident in Victoria, you'll be entitled to lodge a [TAC claim for compensation and benefits](#). If, at any time, you receive a decision from the TAC you don't agree with, there are options for you to appeal that decision. This may be a dispute about your initial claim, where TAC rejects your claim or termination of weekly payments or medical expenses. In this blog, we explore what decisions can be appealed and how to appeal an adverse decision made by the TAC.

What kind of TAC decisions can I dispute?

Any decision made by the TAC can be disputed. Some common decisions we assist our clients to dispute include the following:

- TAC refusal to accept a claim in the first instance (that is, a rejected TAC claim);
- TAC refusal to pay for specific treatments such as injections, physiotherapy, psychology or any other treatment related to your injury;
- TAC refusal to pay for services such as domestic help required as a result of your road accident injuries;
- TAC termination of certain entitlements.

How can I dispute an adverse decision made by the TAC?

There are three primary ways you can dispute a decision made by the TAC. They are:

1. Request an informal review;
2. Lodge a dispute application (this can only be done with the assistance of a TAC lawyer); or,

3. Request a review of the decision by the Victorian Civil and Administrative Tribunal (VCAT).

TAC informal review

A TAC informal review is carried out by a TAC review officer. The review officer is a different person to the person who made the initial decision you are disputing.

You must apply for an internal review within 12 months of the date listed on the decision letter you received from TAC.

The form to request an [informal review can be found on the TAC's website](#). However, we recommend getting advice from a lawyer experienced in TAC claims before lodging the request so that you understand the other options available to you if you disagree with the outcome of the informal review.

[Contact us for free advice: 1300 700 761](#)

TAC dispute application

The second option to request a review of an adverse TAC decision is a dispute application. This is a dispute resolution protocol that the TAC has established with lawyers who specialise in TAC claims.

This process is aimed at resolving disputes over TAC decisions without the need to go to court in the first instance. If the dispute cannot be resolved via a dispute application, this process does not impact on the right of the person to apply to a court to review the decision.

There are generally four steps in the TAC dispute application process:

1. A dispute application is lodged with the TAC together with any other supporting documents, for example, medical reports;
2. The TAC acknowledges receipt of the application within 14 days;
3. A dispute conference is held within 90 days. This is attended by you, your lawyer, the TAC and any other relevant people. It is an opportunity to discuss what is in dispute and to see if the parties can come to an agreement over the decision;
4. The TAC makes a decision on the review within 14 days of the dispute conference.

There are four potential outcomes to a TAC dispute application:

1. The TAC makes no change to its decision;
2. The TAC changes its decision;
3. The TAC makes a new decision; or
4. The parties resolve the dispute between themselves at the conference on agreed terms.

In our experience, a TAC dispute application is the most effective process for resolving disputes with the TAC.

You must have the assistance of a lawyer in order to engage with this process, and like the informal review process, a dispute application must be made within 12 months of the date of the disputed decision.

It is possible to include multiple disputed decisions in the same dispute application.

If at the end of this process, you are still unhappy with the decision, an application to VCAT can be lodged.

VCAT application for review of a TAC decision

The Victorian Civil and Administrative Tribunal (VCAT) is the court that hears and determines reviews of decisions made by the TAC about things such as claim acceptance and treatment.

You can make an application to VCAT instead of going through either the informal review process or the dispute application process. Or, you can go to VCAT after those processes if you are still not satisfied with the outcome.

Once an application is made to VCAT, the TAC has 28 days from the day it receives the application to do one of four things:

1. Change the decision;
2. Revoke the decision;
3. Leave the decision as is; or
4. Request further information from the claimant.

If the TAC does not change its decision, the usual court process then follows. This can involve having to provide information and documentation as well as attending court for hearings. The court may also, in some cases, require parties to attend a compulsory conference to see if the dispute can be resolved prior to going to hearing.

We highly recommend engaging an experienced TAC lawyer before applying to VCAT for a review of a decision. Missing court dates or deadlines for providing documents can potentially lead to your proceeding being dismissed and your options to appeal a decision ending. At Guardian Injury Law, we are used to assisting clients with these sorts of applications and can help you navigate what can be a stressful process for people to engage in.

Like the other options available to review a TAC decision, a VCAT claim must be lodged within 12 months of the date of the decision being disputed. Therefore, it is important that you do not delay getting legal advice.

How we a TAC car accident lawyer can help

As you can see, there are many options available to dispute a TAC decision. It can be hard to navigate on your own. We have had a lot of successful experience assisting clients dispute TAC decisions. If your injuries are serious, we may also be able to assist with other compensation applications you may be eligible to make to the TAC.

Call us today for an obligation free chat.

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).

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.