



TAC claims if injured on public transport

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Many Victorians choose to use the public transport system each day, whether that be to get to and from work or as a means to travel during personal hours. If you are injured while using public transport in Victoria, you may be eligible for [TAC transport accident compensation](#), depending on the circumstances of the accident.

How is “transport accident” defined?

The definition of a transport accident provided by the *Transport Accident Act 1986* is:

“an incident directly caused by the driving of a [motor car](#) or [motor vehicle](#), a [railway train](#) or a [tram](#)”.

Motor vehicle is defined by the *Road Safety Act 1986* to include buses.

Your injuries must have been caused by “the driving” of a vehicle to claim TAC

It is a requirement that the accident and any injuries you sustained were caused by the *driving* of the vehicle. Common causes of injuries on public transport we see are caused by a variety of unsafe driving practices including:

- hard or unexpected braking;
- sudden acceleration;

- swerving; and/or
- excessive speed.

To be entitled to any benefits through the TAC, the injury cannot have been caused by something other than the driving of the vehicle you were in or another vehicle. For example, if you had a medical episode on a tram or train or if another passenger assaulted you, this would not be covered by the TAC. (Incidentally, in the scenario of being assaulted, you may be eligible for [Victims of Crime compensation](#)).

What if I was injured on public transport during my working hours?

If you are travelling to or from work on public transport and suffer an injury caused by the driving of the vehicle you are in, this is usually covered by the TAC.

If, however, you suffer an injury on public transport during work hours, including during your lunch break, this may be considered to arise 'out of or in the course of your employment' and therefore be covered by the WorkCover scheme instead of the TAC.

If you fall into this category, we highly recommend seeking the advice of a lawyer experienced in both TAC and WorkCover to assist you in navigating this sort of claim.

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

Key steps to take if injured in a road accident while using public transport

If you have been injured on public transport, there are a few key things you need to do after your accident.

1. Report the accident to the public transport operator (eg. Yarra Trams, V-Line, Metro Trains or the relevant bus company).
2. Get treatment for your injuries as soon as possible from your general practitioner or a hospital;
3. Obtain contact details for any witnesses who may be able to assist by providing details and evidence for any TAC compensation claim.

Lodging a TAC claim after injuries while using public transport

Once you have attended to the above, the next step is to lodge a claim form with the TAC. You have 12 months from the date of your accident to lodge a claim or 12 months from the date on which an injury from your accident first becomes evident.

We recommend lodging your claim as soon as you can after the accident, as missing the 12-month deadline makes the claim very difficult.

You can lodge your claim via the [TAC website](#) or by calling the TAC on [1300 654 329](#).

If you are in hospital as a result of your injuries, hospital staff may have already lodged a claim on your behalf. It is important to check with the patient liaison officer at the hospital and the TAC to see if this has already occurred.

If my TAC is accepted, what compensation can I receive?

If your claim is accepted by the TAC, then you may be eligible to receive a range of compensation benefits.

Medical and like expenses

This category of benefit covers the cost of treatment for injuries and services required following an 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.

While there is no limit on the amount you can claim for medical and like expenses through a TAC claim, for some treatment, you must obtain the TAC's approval before proceeding with it. You must also be able to show that there is a connection between the injuries you sustained in the public transport accident and the treatment that you are seeking.

Other things that can potentially be covered through the TAC include domestic help or the cost of travel expenses and accommodation incurred to receive your treatment.

Loss of earning capacity benefits

Loss of earning benefits may also be paid by the TAC if you cannot work for more than five days after your public transport accident because of your injuries. Your doctor must certify that you cannot work due to your injuries, using a special certificate known as a 'Certificate of Capacity'.

The TAC will assess your eligibility to receive loss of earning payments. These are usually paid at a rate of 80% of the injured person's average weekly earnings from the 12 months before the

accident, however, there are caps on the amounts that can be paid.

[Make sure you get the compensation you deserve: 1300 700 761](tel:1300700761)

Lump sum compensation payments

If your injuries are serious, you may have entitlements to lump sum compensation in the form of either an impairment benefit and/or a [TAC common law claim](#).

In most public transport accidents, the injured parties are passengers. Generally, a passenger would not be considered at fault in an accident unless they did something unsafe which contributed to their injuries. With that in mind, if a person has sustained a serious injury in a public transport accident and they were acting in a safe manner at the time, it is likely that both compensation options would be available to them.

These types of entitlements can potentially be sizeable and are difficult claims to navigate without the assistance of an experienced TAC lawyer. Call us today to discuss your potential entitlements.

What if my TAC claim is denied?

It is important to understand that if your claim is not accepted in the first instance, you can request the TAC review the decision.

You can learn more about this process in our previous blog, [“Can I appeal a TAC decision I don't agree with?”](#)

We recommend you seek the advice of an experienced TAC lawyer to assist you with this.

Getting help from a TAC lawyer

TAC claims are not always straightforward, and there can be an added complexity when your accident occurred on public transport. It is crucial that you seek advice early from a lawyer experienced in TAC claims.

At Guardian Injury Law, we've helped many clients receive the compensation they deserve after injuries in a road accident in Victoria.

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.