



TAC claims involving unidentified drivers

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If you're injured on the road in Victoria, you may be entitled to [TAC compensation](#) regardless of whether you were at fault. Further, if someone else is found to be at fault, you may also be eligible to lodge a claim for [TAC common law claim damages](#). But what if the other driver cannot be identified? The good news is that you may still be eligible to claim, but there are some important points you need to be aware of.

What to do if the other driver has left the scene after a road accident

If the other driver involved in a motor vehicle accident has fled the scene before exchanging details or without leaving their contact details, they are deemed an 'unidentified driver' by the TAC.

If you have been involved in a motor vehicle accident and there is an unidentified driver, you should report the accident to the police as soon as possible. It is important to note that the accident needs to be reported to the police before lodging a TAC claim.

When reporting the accident to the police, provide them with as many details as possible, as it may assist them with identifying the unidentified driver.

Details that may assist the police locate an unidentified driver include:

- licence plate number;
- make, model and colour of the vehicle; and

- any specific features of the vehicle, for example, stickers, scratches, or dints.

Do I still have a TAC claim if the other party is an unidentified driver?

If your motor vehicle accident involved an unidentified driver and you do not manage to take down their details, or they flee the scene, you may still be entitled to lodge a TAC claim.

Claims must be lodged with the TAC within 12 months of the accident occurring. When lodging the claim, it is **important to advise the TAC that the other party involved in the accident is an unidentified driver.**

What to do when making a TAC claim involving an unknown driver

If you're injured in a road accident and the other party is an unidentified driver, you may still be eligible for TAC benefits.

Therefore, the first thing you should do is contact the TAC via phone ([1300 654 329](tel:1300654329)) or by using their [online claim lodgement](#). This will suffice as notice regarding the claim.

When advising the TAC of your claim involving an unidentified driver, you must include the following details in that notification:

- Your full name and address if you are the person intending to make a claim; or
- Where a person died and a death benefit claim is being lodged, the full name and address of the deceased; and
- Date and time of the accident; and
- The general nature of your injuries; and
- A short statement of the circumstances of the accident.

Contact with the TAC should be done within a reasonable time frame.

If you fail to or are otherwise unable to provide the TAC with the above details, the TAC may raise a defence as a result of prejudice. They may assert that due to the lack of notice provided to them within a reasonable time, they have been prejudiced. This could lead to a failed claim.

If this happens to you, it is crucial that you seek legal advice immediately about your options.

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It is also important to note that as the other driver cannot be contacted, you will need to give an accurate and true account of the events that took place. Evidence that may assist you when lodging your TAC claim includes:

- police reports;
- ambulance or medical reports; and
- witness statements.

Evidence dated closer to the time of the accident is preferable as there is a higher chance of it being considered more accurate.

How to lodge a TAC claim

A TAC claim can be lodged in three ways:

1. Using the [TAC online lodgement form](#);
2. By phone on [1300 654 329](#);
3. The hospital may lodge a claim on your behalf: If you have been transported to the hospital as a result of your injuries and admitted overnight, the hospital should have lodged a TAC claim on your behalf. If a claim has been lodged, you will be contacted by the TAC and receive a TAC reference number. If you are unsure if a claim has been lodged on your behalf, you should call the TAC on [1300 654 329](#) to check.

TAC entitlements after a road accident in Victoria

If the TAC accepts your claim, then your entitlements can include:

Medical and like expenses related to your road accident injury

These include:

- Allied health treatment such as physiotherapy, chiropractic, occupational therapy, acupuncture, exercise physiology and orthotic and prosthetics;
- Ambulance services;
- X-rays and scans;
- GP appointments;
- Medication;
- Mental health and wellbeing services;
- Surgery in the first 3 months;
- Rehabilitation services; and
- Travel and accommodation.

If any treatment is recommended by your GP, the TAC does not need to approve that treatment in the first 90 days of your injury.

Following the 90 days, if your claimed injury needs further necessary treatment, your treating doctor will need approval from the TAC.

Loss of earning benefits (weekly payments)

If you are unable to work your regular hours due to any injury because of your road accident, you may also be able to claim for loss of earnings.

80% of your pre-accident wages will be paid to you by the TAC for the first 18 months. If, after 18 months, you lose your capacity to work, you may be entitled to a further 18 months' payment at the same rate.

TAC weekly payments will cease after 36 months unless it is deemed that you continue to not have any work capacity and if your injuries are found to have a greater than 50% whole-person impairment according to the 4th edition of the American Medical Association Guides.

Lump sum or impairment benefits

If the injury you have sustained becomes permanent, you may also be entitled to an impairment benefit claim.

This will entitle you to a lump sum compensation.

A TAC impairment benefit can be claimed:

1. 18 months after sustaining your injury; and
2. once the injury is assessed as being stable; and
3. you are deemed to have greater than 10% impairment (according to the 4th edition of the American Medical Association Guides).

Common law compensation for pain and suffering and economic loss

If you suffer a permanent injury, you may also be entitled to TAC common law compensation if you meet the eligibility criteria.

To be eligible for common law damages:

- you must show that you have a serious injury, meaning that you need to show that your injury has resulted in a 30% or more permanent impairment or long-term mental or physical distress; and
- you need to prove that your injury occurred in negligent circumstances.

It is crucial that you provide detailed and accurate information early on to protect and access all your TAC entitlements.

Why engage a personal injury lawyer?

You should seek legal advice from a personal injury lawyer experienced in TAC claims as soon as possible if you intend to claim TAC benefits involving an unidentified driver. There can be complexities to these claims, and it's important that you receive clear and correct advice to ensure your rights and entitlements are protected.

At Guardian Injury Law, our first appointment is free. We also undertake work on a “no win, no fee” or expenses basis. Call us now for advice and assistance.

Contacting Guardian Injury Law

[1300 700 761](tel:1300700761)

enquiries@guardianinjurylaw.com.au

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