



TAC claims when cyclists collide with stationary vehicles – “car dooring” claims

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Date: Monday June 23, 2025

A TAC claim is not limited to individuals who have sustained an injury as a result of a moving motor vehicle. If you have sustained injuries as a result of a transport accident due to a stationary/parked vehicle, you may be entitled to compensation through a TAC claim. In this blog, we look at claims by cyclists involved in a collision with a parked vehicle, including “car dooring” incidents.

Examples of a TAC claim involving a stationary vehicle:

- Car dooring; which is defined by the TAC as an injury caused by “*collision of a pedal cycle with an open or opening door*”.
- A cyclist taking evasive action to avoid collision with a moving vehicle inadvertently collides with a parked vehicle.

Can I make a TAC claim if I was injured by any stationary vehicle?

For the purpose of a transport accident, the TAC allows a claim to be made if the incident occurred due to the following vehicles:

- cars;
- motorcycles;
- buses;
- trucks
- trains and trams.

A claim **cannot** be made if a cyclist is injured by:

- Motorised wheelchair;
- Golf cart, golf buggy or ride-on mower;
- Electrically power-assisted bicycle.

Types of injuries that may be sustained in a collision with a parked vehicle

Common physical injuries sustained include (but are not limited to):

- broken bones and fractures;
- internal and external bruising and bleeding;
- head injuries;
- spinal and neck injuries.

Psychological injuries sustained as a result of your accident may include:

- PTSD;
- [nervous shock](#);
- anxiety;

TAC eligibility for claims after a collision with a parked vehicle

Unlike road accidents arising from moving vehicles, the guidelines for lodging a TAC claim for accidents involving a stationary vehicle are quite specific.

To be eligible for a stationary vehicle TAC claim, you need to show that you, whilst riding your bike:

- were struck by a driver or passenger who was opening their vehicle door;
- show that your injury was sustained as a result of the actions of another driver, which caused you to act in a way that resulted in a collision with a parked vehicle.

Adverse actions of another driver may include, for example:

- bringing a motor vehicle to a sudden standstill (sudden and unexpected braking);
- inattentive driving or parking;
- attempts to distract or scare a bike rider, such as screaming at them or throwing items at them, so as they lose concentration (this also includes such behaviour by passengers);

- avoiding collision with another vehicle, causing the cyclist to take evasive action.

What TAC benefits am I entitled to after a collision with a parked vehicle?

Should you have a successful TAC claim, you are entitled to the following benefits:

- [medical and like expenses](#);
- [weekly payments for lost wages](#);
- home and domestic help;
- travel expenses (for attending medical appointments);
- lump sum compensation due to permanent impairment;
- TAC death benefits if a person dies as a result of the accident, leaving eligible dependents.

Lump sum compensation due to permanent impairment

Should your injuries become permanent and once they have stabilised, you may also be entitled to receive an impairment benefit from TAC, which is a lump sum payment of compensation.

For further information regarding impairment benefits, read our previous blog, [“TAC lump sum compensation due to permanent impairment”](#).

TAC common law claims

You may be entitled to a common law claim if your injuries were as a result of someone else’s negligence.

To be eligible for common law compensation, you need to show the following:

- That your injury is a serious injury;
- That the injury occurred in a transport accident that was not your fault; and
- That the transport accident caused your injury.

For further information regarding TAC common law claims, particularly related to eligibility, refer to our previous blog: [“TAC common law claims after a motor vehicle accident in Victoria”](#).

First steps after a motor vehicle accident with a parked vehicle?

Seek medical attention

Once you have composed yourself, seek medical attention. This is important regardless of whether you have sustained any visible injuries, as internal damage could be just as life-threatening. This is also an opportunity to have your injuries recorded close to the time of the incident as a record that can be used in your claim.

Take down the details of the driver(s), vehicles involved

If the stationary or parked vehicle is unattended, record details like the make, model and registration plate. If the driver is in attendance, take their details. If another (moving) vehicle contributed to the collision and they stopped at the scene, also obtain the driver and vehicle details.

Ensure, as much as possible, that the following information is noted:

- name and address of any drivers involved;
- name and address of any passengers involved (for example, a passenger-related car-dooring);
- contact numbers;
- vehicle number plates;
- make and model of the vehicles involved; and
- any damage to the vehicles involved.

Take down the contact details of potential witnesses

Once you have made sure that you are okay, try to get the names and contact details of other bystanders, drivers and store owners who may have witnessed the accident. This is very valuable as they can provide a first-hand account of how the event transpired should it be required in the future.

Capture photos of the circumstances of the accident

If you are in a position to do so, take photos of the accident, including any damage to any vehicles involved, and the degree of damage to your mode of transport (for example, your bike).

If there is any other damage to structures as a result of the accident, taking photos of that (e.g., damage to public signs, and broken glass fragments on the road), can show the impact of the accident.

Take photos of your injuries

Taking photos of any visible injuries that you have sustained from the accident is also important, as external injuries may heal over time, and you may also forget the severity of your injuries.

Check the scene for surveillance footage

Check to see if cameras are installed around the area where your accident occurred. This is helpful in case you want to obtain footage of how the accident took place. If you decide to pursue a TAC claim later, there's a greater chance of being able to provide the details of the accident.

Notify the police

If you're involved in a road accident in Victoria where injuries were sustained, you must report the accident to police if they were not in attendance.

If the police attended the accident, it's important that you obtain a copy of the police report, as this will be helpful if you decide to lodge a TAC claim.

Other compensation options if you are ineligible for TAC compensation

If you do not meet the eligibility criteria for a TAC claim after a collision with a stationary vehicle, you may still have other options.

WorkCover claim

If your accident was on the way to or from work, or related to work (for example, a gig-economy delivery rider), you may be eligible for [workers' compensation](#).

Public liability claim

You may be eligible for public liability compensation after a collision with a parked vehicle. [Public liability claims](#) can be brought for injuries that occur in a public setting. In the scenario of a parked or stationary vehicle, this could include injuries sustained in, for example, a carpark or at a private residence.

TPD or income protection claim

If you have had to stop work due to your injury (physical and/or mental health), you may be able to make a TPD or income protection claim. Notably, a TPD claim does not have to be work-related. So, it can be made in addition to any TAC claim or WorkCover claim.

You can learn more about TPD claims in our blog, [“TPD claims – your complete guide”](#).

Contact a lawyer

Claims involving stationary vehicles can be complicated, which is why it's important for cyclists to understand their rights and entitlements in relation to TAC claims.

At Guardian Injury Law, we will assess your matter and provide you with independent advice regarding your potential TAC claim. We offer an initial free consultation and run cases on a 'no win, no fee' basis. So, it costs you nothing to find out where you stand.

Contacting Guardian Injury Law

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