

CHALLENGING DECISIONS OF THE TAC

In the past, it was often difficult for claimants to challenge decisions of the TAC, particularly those in respect of their entitlements to loss of earnings and medical and like expenses.

You have 12 months to challenge any decision of the TAC. We ask that you contact us as soon as possible after a TAC decision.

Some examples of frequently challenged decisions of the TAC include:

- 1 Decisions regarding the amount of weekly compensation Claimants are entitled to.
- 2 Decisions regarding the amount of medical treatment the TAC will pay for. This includes a wide range of areas including dental treatment, osteopathic treatment, chiropractic treatment and in some cases home and/or car modification.
- 3 Decisions regarding the amount of funding the TAC will contribute towards home help and other expenses.

In particular, the TAC often refuses to cover the entire amount of a Claimant's medical treatment. The TAC has a schedule of fees which they use to justify how much they will contribute towards a Claimant's medical treatment. However, the TAC is not legally entitled to limit funding to their schedule. The law states that the TAC has to cover medical treatment which is "reasonable". Provided a Claimant's medical practitioner states the cost of the treatment is "reasonable", the Claimant should be entitled to have the complete amount of that medical treatment covered by the TAC.

In order to ensure that you receive the maximum amount of entitlements from the TAC, Claimants will usually require legal assistance.

Under these new protocols, the TAC will pay some or all of the Claimant's legal costs if they are successful in challenging the TAC decision.

Consequently, it has become more economically viable for Claimants to utilise lawyers to challenge decisions of the TAC which in the past would have simply been too expensive. Under the protocols, we can challenge decisions of the TAC on your behalf and often will only charge you legal costs recoverable from the TAC. This means that even the smallest decisions, which can often have a significant impact on your life, can be effectively challenged. By utilising our services and the new protocols, we can ensure you receive your maximum entitlements.

This article contains general information only and is not provided as legal advice. Professional advice should be taken before any course of action is pursued, or any information here is relied upon.

For advice about challenging decisions of the TAC contact Harry Gill, Jodie Gerritsen, Henri Kauthen, Jeremy King or Laura Bruce on 9890 3321.

701 Station Street, Box Hill, Victoria 3128
Tel : 03 9890 3321 Fax : 03 9898 4266
email : legal@robinsongill.com.au
www.robinsongill.com.au