

## TRANSPORT ACCIDENTS – FAQs

### What can I do if I am injured in a car accident?

**Q. What must I do first?**

**A.** You must lodge a Transport Accident Commission Claim Form **within one year** from the date of the accident or the date when the injury first became apparent. In certain circumstances, this time can be extended.

**Q. What legal benefits can I claim?**

**A.** You can claim benefits for medical expenses, loss of earnings and impairment benefits, and you are able to sue a negligent person for damages.

**Q. What kind of medical expenses can I claim?**

**A.** Subject to an excess, you can claim the reasonable costs of medical, hospital, nursing, rehabilitation and ambulance services, physiotherapy and chiropractic expenses, as well as other similar expenses.

**Q. How much can I claim for loss of earnings?**

**A.** Subject to maximum and minimum allowances, you can claim 80% of your pre-accident weekly earnings. These amounts can be claimed for three years. In some instances, you can claim loss of earnings until retirement age.

**Q. What are impairment benefits?**

**A.** Your degree of impairment is assessed by reference to a number of doctors, and depends on the severity of your injury. If you have an impairment of 11% or more, you can claim lump sum benefits for your impairment.

**Q. What if the accident was my fault?**

**A.** The above benefits are payable regardless of fault.

**Q. What if I do not agree with a Transport Accident Commission decision?**

**A.** You can challenge this decision within **twelve months** of receiving it. This period is **non-extendible**.

**Q. Can I sue the other driver for damages?**

**A.** In some instances, you can sue for damages (compensation) provided that your injuries were caused by someone else's fault. The Transport Accident Commission will pay the damages. Substantial damages are allowed for pain and suffering and loss of enjoyment of life, as well as for loss of earnings.

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 injury law claims contact Harry Gill, Jodie Gerritsen, Henri Kauthen, Danielle Meyer or Nadia Fabris on 9890 3321.



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