

## Compensation - Common Law Claim

In addition to the benefits summarised above, you may also have the right to pursue a TAC claim for compensation regarding:

- pain and suffering, loss of enjoyment of life, scarring and
- any financial loss

This is known as a common law claim or action in negligence. The TAC ordinarily provides the insurance cover to the person at fault and pays out any compensation to the injured person. Your right to claim compensation will depend on whether it can be shown that another party was to blame or partly to blame, for the accident.

You will only be able to make this claim if your injury first meets the legal test of being a 'serious injury'.

You should **not** make your own assessment as to whether your condition is 'serious' under the legal test. It is not simply a matter of comparing your injuries to others that may be more significant. The 'serious injury' test is complex and you can only be confident of obtaining the right assessment from an experienced TAC lawyer.

You should also not make an assessment as to the issues of negligence. Our TAC lawyers have many years of experience in this area and a solid track record of successful TAC claims.

### How much compensation is available in a common law claim?

The total amount available in a common law claim is **\$1,335,950.00**

As your claim progresses, we will advise you how much you should seek from the TAC and undertake negotiations on your behalf. If the negotiations are unsuccessful, you may be advised to commence proceedings at a court. Our lawyers again have many years of experience in negotiation and preparation of cases for court when negotiations fail. The majority of cases settle without the need to go to court.

### How soon after my accident should I engage a lawyer?

It is very important to engage lawyers soon after your accident. Valuable evidence may need to be gathered whilst it is still available and fresh in people's minds. For example, we may need to photograph and inspect vehicles, view accident sites or interview witnesses.

The quality of the evidence may affect the compensation amount we can obtain for you.

The TAC has its own lawyers that will often begin working on the TAC claim shortly after your accident. These lawyers are engaged to advise the TAC about its obligations to pay compensation to you. They are not working to assist or advise you about your claim. The TAC may engage investigators to examine the circumstances of your accident. TAC may then use this information in defending any claim that you may make. It is therefore critical that you have someone protecting your interests in the investigation process. Slater and Gordon's TAC lawyers will do that for you.

### Can I claim compensation if a family member has died?

Benefits may be available in the event of the death of a family member in a transport accident, regardless of whether another party is to blame for the accident. This is a very complex part of the law, and we strongly encourage you to contact us for advice.

A common law/negligence claim may also be available in these circumstances.

For more information about a common law claim, please contact Slater & Gordon either by email or by calling our **Legal Help Line** 1800 555 777.